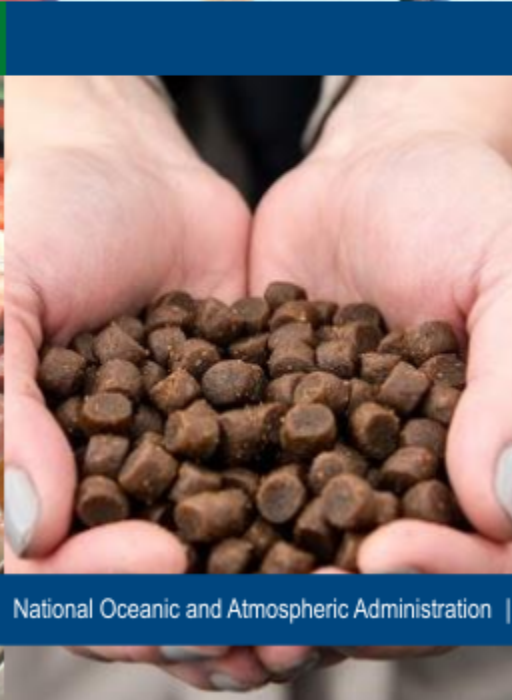




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State by State Summary of Finfish Aquaculture Leasing/Permitting Requirements (2021)



State by State Summary of Finfish Aquaculture Leasing/Permitting Requirements (2021)

Prepared by Benjamin Hurley with funding from the [Ernest F. Hollings Undergraduate Scholarship Program](#). This information is current as of August 2021.

Aquaculture is an emerging industry in the United States with varying permitting structures across the states. In 2018, a report assessed shellfish aquaculture permitting systems and documented permitting and leasing requirements for shellfish operations in the waters of 22 states¹. The permitting inventory that resulted from this project was a valuable reference for those seeking to enter the industry and a useful tool for sharing knowledge and practices across state programs. However, aquaculture permitting is subject to frequent changes, and much of this document quickly became outdated. Furthermore, Hawaii and the U.S. territories were not included in the initial report, and no comparable compendium existed for finfish or seaweed permitting despite rising interest in these sectors. Through collaboration and communication with state aquaculture representatives, the spreadsheet associated with O'Connell (2018) was updated and formatted to be compatible with screen readers.

If you would like to request this information in spreadsheet format or notice information that is inaccurate or outdated, please email nmfs.aquaculture.info@noaa.gov.

Guidance for Use

This report provides an overview of permitting and leasing programs for aquaculture in U.S. state waters. However, it is strongly recommended that you speak with a local aquaculture representative prior to beginning your planning process. Aquaculture permitting is both complex and subject to frequent change. As such, this report is not comprehensive, and your farm may require permits or be subject to requirements not listed here. Information may also be outdated or incomplete. While this document may serve as a convenient reference, it is not a substitute for a personal discussion of your project with a state aquaculture representative. In addition to state representatives, NOAA Regional Aquaculture Coordinator Contact Info can be found [here](#). Information on the National Sea Grant College Program and links to all program locations can be found [here](#).

Note that marine finfish and seaweed operations in state waters are newer industries and lack formal permitting programs in many states. Projects are frequently evaluated on a case-by-case basis, and listed regulations may be variable. Contact your state representative for more information.

¹ Evaluation of U.S. Shellfish Aquaculture Permitting Systems: Recommendations to Improve Permitting Efficiencies and Industry Development. A Report to NOAA Fisheries. Final Report Submission – June 2018 Prepared by Tom O'Connell, Earth Resource Technology, Inc.

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Alabama

Summary of the Status of Finfish Culture

- While finfish and seaweed culture have not yet occurred in Alabama, more people are expressing interest in aquaculture that falls outside of their oyster-only program. Right now, non-oyster aquaculture could be permitted in Alabama via the Corps permitting process. The Marine Resources Division would have comment privilege on these permits, but they would not have the ability to stop a project.
- Alabama is working on developing state regulations to address non-oyster aquaculture in the future, including involvement from other state agencies (such as State Lands and ADEM). The program will likely look similar to the current oyster regulations and may look to states with developed programs (such as Florida) to borrow regulatory structures. The future program will aim to permit as many species as possible, but it will focus on species native to the Gulf of Mexico, including the genetic profile (e.g. would not be able to import red drum from the Atlantic coast).

Tribal

No information

Local Municipality

Any local municipality leasing/permitting authority? If so, who?

No information

Local municipality website for finfish aquaculture leasing/permitting:

No information

Local municipality application for finfish aquaculture leasing/permitting:

No information

State Government

State lead agency(ies) for finfish aquaculture leasing/permitting:

Commenting privilege for Department of Conservation and Natural Resources, Marine Resources Division

State agency contact(s) for finfish aquaculture leasing/permitting:

Kevin Anson (DNR), kevin.anson@dcnr.alabama.gov, 251-968-9694

State agency website(s) for aquaculture leasing/permitting:

[Alabama Oyster Aquaculture](#)

State finfish aquaculture leasing/permitting law(s):

- Seafood Aquaculture: [Chapter 220-3 Marine Resources Division](#)
- Note that while 220-3-.85(3) claims that aquaculture sites may only be established on or within the inside waters of Alabama (roughly inside of Alabama's barrier islands), ultimately permitting is just done by Corps and not by the State right now until Alabama sets up a regulatory program. Corps may theoretically permit aquaculture in Alabama culture waters.

State finfish aquaculture leasing/permitting regulation(s):

Regulations have not been developed.

State application for finfish leasing/permitting:

Permitted through Corps; see below.

U.S. Army Corps of Engineers

Corps District(s):

Mobile

Corps contact(s) for finfish aquaculture permitting:

Dylan Hendrix, dylan.c.hendrix@usace.army.mil, 251-694-3772

Corps website for finfish aquaculture permitting:

[Mobile Regulatory Division](#)

Corps permit for finfish aquaculture:

NWP 56 [regional conditions](#)

Corps permit expiration:

14-Mar-26

Corps application for finfish aquaculture permitting:

- [Standard PCN or IP forms](#)
- May be able to use Alabama JPA; check with agencies. [JPA](#)

Is there a State/Federal Joint Permit Application (JPA)?

May be able to use Alabama JPA; check with agencies. [JPA](#)

Is a Pre-Construction Notification (PCN) required?

PCN at minimum.

Are there interagency meetings (state/federal)?

No information

Interagency Meeting Frequency:

No information

Applicant Guide/Tools

Is there a finfish aquaculture applicant guide book/information?

No

Process flowchart available?

No

Any siting tool(s) available to help applicants identify suitable lease sites and/or agency review of applications?

- Some siting tools meant for shellfish that might nonetheless be useful
- [Aquaculture siting tool](#) and riparian parcel identifier, SAV maps, NOAA navigational charts, bottom substrate classifications
- [Shellfish Aquaculture Siting Tool](#)

Is a pre-application meeting required, encouraged, not specified?

Highly encouraged

Application Fees

Any pre-determination meeting fee for applicants?

N/A

Finfish lease/permit application fee?

No information

Is applicant fee returned if denied?

No information

Corps Individual Permit fee

Yes, \$100.

Advertisement and Public Scoping

Is a public scoping meeting required by agency or applicant?

No information

Summary of advertisement requirement of lease application by agency and/or applicant?

No information

Who pays for advertisement?

No information

Business/Operations Plan

Is a management or operations plan required with application?

No information

Is a business plan required with application?

No information

Lease Review/Approval Timeframe

Permit review/approval timeframe (best, worst, average) from time applicant applies to final issuance? Separate by state/Corps if needed, available.

No information

Lease Term and Conditions

Is lease required?

No information

Maximum term limit for lease?

No information

Are renewals available?

No information

Any renewal fee?

No information

Is there an active use requirement? Any criteria to assess?

No information

Is there a production report requirement?

No information

Frequency for providing production report?

No information

Can a finfish aquaculture lease be transferred?

No information

Is there a bid process for leases?

No information

Any acreage limits?

No information

Limits per site

No information

Limits per person

No information

Limits on number of lease sites a person can hold

No information

Rental and Use Fees

Annual rental fee?

No information

Any finfish aquaculture harvest surcharge? If so, what is it?

No information

Other Fees

Other required fees/costs associated with obtaining a finfish aquaculture lease/permit?

No information

Land surveyor/hydrographic survey

No information

Lease markering responsibility

No information

Biological assessment fee

No information

Property tax

No information

Present shellfish value assessment on proposed lease site?

No information

Additional Information Sources

Other websites of interest:

No information

Definitions

State definition of aquaculture:

No information

Any alternative names of a 'lease'?

No information

Special Natural Resource and Social Permit Conditions

Any special Corps/State permitting conditions to address environmental/user conflicts (in addition to standard NWP 56 conditions)?

Standard Corps requirements

Protected Resources and Critical Habitat Designations

Standard Corps requirements

Essential Fish Habitat (EFH)

Standard Corps requirements

Navigation

Standard Corps requirements

Historic resources

Standard Corps requirements

Migratory Fish

Standard Corps requirements

Shellfish density threshold

No information

Submerged aquatic vegetation (SAV)

Standard Corps requirements

Other natural resource protection measures?

Standard Corps requirements

Riparian Setback

No information

Social capacity

No information

Finfish-Specific Measures of Protection

Do cultured species need to be native?

While hard rules are not established, note that in the future, Alabama will restrict to native species (including requiring species to be genetically from the Gulf).

Rules for transport across state lines

No information

Pathological inspections for fish and miscellaneous health requirements

[Guidance from Auburn on submitting fish for disease testing.](#)

Contact in case of escape or disease outbreak

No information

Any other finfish rules or regulations to be aware of? (Genetic requirements, year-class stocking, etc.)

No information

Land-based Hatcheries

State agency/contact that regulates land-based hatchery permitting

- [Wildlife and Freshwater Fisheries Division](#)
- [Applicable regulations](#)
- DCNR has some authority
- [July 2014 marketing guide](#) provides some insight to freshwater culture

Riparian Landowner Requirements

Any definition of what constitutes a riparian owner?

No information

Any riparian owner notice requirement for lease applications?

No information

Is applicant required to provide list of riparian owners to permitting agency?

No information

Is any consent of riparian owner required? If so, under what condition?

No information

Coastal Zone Management (CZM) Consistency Determination

[Individual consistency determination required.](#)

Section 401 Water Quality Certification (WQC)

[State concurrence with NWP 56](#)

Section 402/403 Pollution Control

NPDES Permit Generally required if producing >20,000 lbs. cold water fish or >100,000 lbs. warm water fish, but varies by state. Required for discharge of pollutants to waters of United States (feed, nutrients, pharmaceuticals, antifouling agents, disinfectants, etc.) [See NPDES website.](#)

[Alabama NPDES Program](#)

Miscellaneous Questions

Any other license, permit and/or registration required for finfish aquaculture and other related activities (e.g. finfish import/nursery permits)? What are fees?

No information

Any finfish aquaculture lease/permit holder training/exam requirement?

No information

Are finfish aquaculture leases/permits restricted to residents only?

No information

Annual Permit/Lease Application Activity (2020)

Average # of finfish lease applications/year (last 3-5 years)?

0

Number of complete finfish applications currently in review?

0

Total Number of Leases (2020 unless otherwise noted)

Total # of finfish leases.

0

Total acreage of finfish aquaculture leases. Separate by species if available.

No information

Total # of lease holders/individuals employed (if available)?

No information

Harvest and Value (2020 unless otherwise noted)

Harvest and value of finfish aquaculture.

No information

Any farm gate value estimates of finfish aquaculture harvest? Separate by species if available.

No information

Alaska

Summary of the Status of Finfish Culture

- Finfish culture is banned per [statute 16.40.210](#). Limited to ornamental culture and operation of nonprofit salmon hatcheries. See agency/contact information in the event of questions:
 - DNR Program Coordinator Karen Cougan, karen.cougan@alaska.gov
 - DF&G Permit Coordinator Michelle Morris, michelle.morris2@alaska.gov, 907-465-4235

- AQ Section Chief Flip Pryor, garold.pryor@alaska.gov, 907-465-4235
 - [AF&G handles hatchery permitting](#)
-

California

Summary of the Status of Finfish Culture

Finfish operations will not be permitted in state waters. Contact the State Aquaculture Coordinator with questions.

Tribal

N/A

Local Municipality

Any local municipality leasing/permitting authority? If so, who?

N/A

Local municipality website for finfish aquaculture leasing/permitting:

N/A

Local municipality application for finfish aquaculture leasing/permitting:

N/A

State Government

State lead agency(ies) for finfish aquaculture leasing/permitting:

A variety of State agencies have some jurisdiction over aquaculture, but CA Department Fish & Wildlife (DFW) and the CA Fish & Game Commission (FGC) house the majority of code, regulations, and expertise for its oversight.

- FGC issues leases
- DFW registers commercial aquaculturists, and houses the State Aquaculture Coordinator's office
- CA Coastal Commission enforces the Coastal Zone Management Act (CZMA) in both State and Federal waters off CA, and uses Coastal Development Permits (State waters/land) or conducts Federal consistency reviews (Federal waters) as appropriate

- CA Department of Public Health also has oversight of growing areas and harvest closures comply with the National Shellfish Sanitation Program
- CA. State Water Resource Control Board handles WQCs

State agency contact(s) for finfish aquaculture leasing/permitting:

- State Aquaculture Coordinator: Randy Lovell, randy.lovell@wildlife.ca.gov, 916-376-1650
- Marine: Sara Briley, sara.briley@wildlife.ca.gov, 562-342-7161

State agency website(s) for aquaculture leasing/permitting:

- [Department of Fish and Wildlife: Aquaculture](#)
- [Aquaculture Permit Counter](#)

State finfish aquaculture leasing/permitting law(s):

Finfish operations will not be permitted in state waters.

State finfish aquaculture leasing/permitting regulation(s):

Finfish operations will not be permitted in state waters.

State application for finfish leasing/permitting:

Finfish operations will not be permitted in state waters.

U.S. Army Corps of Engineers

Corps District(s):

Los Angeles and San Francisco (South Pacific Division)

Corps contact(s) for finfish aquaculture permitting:

South Pacific Division Regulatory Appeals: 415-503-6574

Corps website for finfish aquaculture permitting:

[South Pacific Division](#)

Corps permit for finfish aquaculture:

- Los Angeles - Individual Permit (NWP 56 (A) not used, but LA [regional conditions](#) may be helpful)
- San Francisco/Sacramento District [regional conditions](#) for NWP 56 (A)

Corps permit expiration:

14-Mar-26

Corps application for finfish aquaculture permitting:

- IP or PCN. Can use [form ENG 4345](#). Instructions found at same weblink.
- [ENG 6082 form](#) (suggested by San Francisco)
- For San Francisco Bay [JARPA-eligible](#) (but not typically used for aquaculture)

Is there a State/Federal Joint Permit Application (JPA)?

San Francisco Bay area counties have a [JARPA form](#), but it isn't typically used for aquaculture.

Is a Pre-Construction Notification (PCN) required?

If finfish culture were ever allowed by stage agencies, would be a PCN at minimum for Corps.

Are there interagency meetings (state/federal)

No information

Interagency Meeting Frequency:

No information

Applicant Guide/Tools

Is there a finfish aquaculture applicant guide book/information?

N/A

Process flowchart available?

N/A

Any siting tool(s) available to help applicants identify suitable lease sites and/or agency review of applications?

N/A

Is a pre-application meeting required, encouraged, not specified?

N/A

Application Fees

Any pre-determination meeting fee for applicants?

N/A

Finfish lease/permit application fee?

N/A

Is applicant fee returned if denied?

N/A

Corps Individual Permit fee

Yes, \$100.

Advertisement and Public Scoping

Is a public scoping meeting required by agency or applicant?

N/A

Summary of advertisement requirement of lease application by agency and/or applicant?

N/A

Who pays for advertisement?

N/A

Business/Operations Plan

Is a management or operations plan required with application?

N/A

Is a business plan required with application?

N/A

Lease Review/Approval Timeframe

Permit review/approval timeframe (best, worst, average) from time applicant applies to final issuance? Separate by state/Corps if needed, available.

N/A

Lease Term and Conditions

Maximum term limit for lease?

N/A

Are renewals available?

N/A

Any renewal fee?

N/A

Is there an active use requirement? Any criteria to assess?

N/A

Is there a production report requirement?

N/A

Frequency for providing production report?

N/A

Can a finfish aquaculture lease be transferred?

N/A

Is there a bid process for leases?

N/A

Any acreage limits?

N/A

Limits per site

N/A

Limits per person

N/A

Limits on number of lease sites a person can hold

N/A

Rental and Use Fees

Annual rental fee?

N/A

Any finfish aquaculture harvest surcharge? If so, what is it?

N/A

Other Fees

Other required fees/costs associated with obtaining a finfish aquaculture lease/permit?

N/A

Land surveyor/hydrographic survey

N/A

Lease markering responsibility

N/A

Biological assessment fee

N/A

Property tax

N/A

Present shellfish value assessment on proposed lease site?

N/A

Additional Information Sources

Other websites of interest:

- [Aquaculture Matters](#)
- [NCCOS Coastal Aquaculture Siting and Sustainability program \(CASS\)](#)
- [CEQA guidelines](#)

Definitions

State definition of aquaculture:

Form of agriculture devoted to the propagation, cultivation, maintenance, and harvesting of aquatic plants and animals in marine, brackish, and fresh water.

Any alternative names of a 'lease'?

N/A

Special Natural Resource and Social Permit Conditions

Any special Corps/State permitting conditions to address environmental/user conflicts (in addition to standard NWP 56 conditions)?

N/A

Protected Resources and Critical Habitat Designations

N/A

Essential Fish Habitat (EFH)

N/A

Navigation

N/A

Historic resources

N/A

Migratory Fish

N/A

Shellfish density threshold

N/A

Submerged aquatic vegetation (SAV)

N/A

Other natural resource protection measures?

N/A

Riparian setback

N/A

Social capacity

N/A

Finfish-Specific Measures of Protection

Do cultured species need to be native?

No information

Rules for transport across state lines

[Importation permits](#)

Pathological inspections for fish and miscellaneous health requirements

No information

Contact in case of escape or disease outbreak

No information

Any other finfish rules or regulations to be aware of? (Genetic requirements, year-class stocking, etc.)

No information

Land-based Hatcheries

State agency/contact that regulates land-based hatchery permitting

See [state F&G Aquaculture website for Aquaculture Registration](#) for non-fish and land-based operation.

Riparian Landowner Requirements

Any definition of what constitutes a riparian owner?

N/A

Any riparian owner notice requirement for lease applications?

N/A

Is applicant required to provide list of riparian owners to permitting agency?

N/A

Is any consent of riparian owner required? If so, under what condition?

N/A

Coastal Zone Management (CZM) Consistency Determination

N/A

Section 401 Water Quality Certification (WQC)

N/A

Section 402/403 Pollution Control

NPDES Permit Generally required if producing >20,000 lbs. cold water fish or >100,000 lbs. warm water fish, but varies by state. Required for discharge of pollutants to waters of United States (feed, nutrients, pharmaceuticals, antifouling agents, disinfectants, etc.) [More info from NPDES website.](#)

[California NPDES Program](#)

Miscellaneous Questions

Any other license, permit and/or registration required for finfish aquaculture and other related activities (e.g. finfish import/nursery permits)? What are fees?

N/A

Any finfish aquaculture lease/permit holder training/exam requirement?

N/A

Are finfish aquaculture leases/permits restricted to residents only?

N/A

Annual Permit/Lease Application Activity (2020)

Average # of finfish lease applications/year (last 3-5 years)?

N/A

Number of complete finfish applications currently in review?

N/A

Total Number of Leases (2020 unless otherwise noted)

Total # of finfish leases.

N/A

Total acreage of finfish aquaculture leases. Separate by species if available.

N/A

Total # of lease holders/individuals employed (if available)?

N/A

Harvest and Value (2020 unless otherwise noted)

Harvest and value of finfish aquaculture.

N/A

Any farm gate value estimates of finfish aquaculture harvest? Separate by species if available.

N/A

Connecticut

Summary of the Status of Finfish Culture

Never have had an application to culture finfish in marine waters, with one current permit to culture marine finfish inland (closed system). Likely pathway would be to submit a Joint

Agency Application to Conduct Aquaculture (same as for shellfish and seaweed) with a pre-screening meeting beforehand to help coordinate with other state agencies.

If culture occurred on the bottom, would need a lease or "agreement" with the State or town depending on the location. If in the water column, it would likely be handled similarly to a kelp application, requiring a permit from DEEP Land & Water Resources.

Tribal

No information.

Local Municipality

Any local municipality leasing/permitting authority? If so, who?

No information.

Local municipality website for finfish aquaculture leasing/permitting:

No information.

Local municipality application for finfish aquaculture leasing/permitting:

No information.

State Government

State lead agency for finfish aquaculture leasing/permitting:

- Department of Agriculture, Bureau of Aquaculture issues lease and is lead state agency.
- Department of Energy and Environmental Protection (DEEP), Marine Fisheries reviews applications for effects on fish, fisheries and fish habitat and issues permits for structures, dredgings, and fill.

State agency contact(s) for finfish aquaculture leasing/permitting:

David Carey, david.carey@ct.gov, 203-874-0696 x 103

State agency website(s) for aquaculture leasing/permitting:

[CT Bureau of Aquaculture](#)

State finfish aquaculture leasing/permitting law(s):

- [Chapter 422, Ch. 22, sections 11c-11k](#)

- [List of all relevant statutes: p. 33](#)
- [General Statutes of Connecticut](#)

State finfish aquaculture leasing/permitting regulation(s):

- [RCSA Title 26](#)

State application for finfish leasing/permitting:

[UConn Commercial Aquaculture](#)

Select "Joint Agency Application for Marine Aquaculture." Despite being located on the shellfish page, this application can serve general aquacultural interests.

U.S. Army Corps of Engineers

Corps District(s):

New England

Corps contact(s) for finfish aquaculture permitting:

Cori Rose, cori.m.rose@usace.army.mil, 978-318-8306

If old, can also try:

Leslie Martin, leslie.martin@usace.army.mil, 978-318-8688

Corps website for finfish aquaculture permitting:

[New England Regulatory/Permitting Division](#)

Corps permit for finfish aquaculture:

General Permit does not mention finfish; IP likely required

[Connecticut General Permit](#) Activity 16

NWP 56 suspended in New England.

Corps permit expiration:

19-Aug-21

Corps application for finfish aquaculture permitting:

[UConn Aquaculture Resources](#)

Select "Joint Agency Application for Marine Aquaculture." Despite being located on the shellfish page, this application can serve general aquacultural interests.

Other forms may be needed for [IP \(standard Corps permit form\)](#)

Is there a State/Federal Joint Permit Application (JPA)?

Yes, submitted to DA/BA who coordinates review. Can also be found on [DoAg website](#).

Is a Pre-Construction Notification (PCN) required?

General permit is silent on finfish, so IP almost certainly required for finfish culture.

Are there interagency meetings (state/federal)?

Yes, joint permit screening meeting.

Interagency Meeting Frequency:

Quarterly

Applicant Guide/Tools

Is there a finfish aquaculture applicant guide book/information?

[Guidebook for shellfish/seaweed](#); may provide insight as to permitting processes for other types of aquaculture in CT.

Process flowchart available?

- [See pg. 18 of guide](#)
- An "outline" of process also provided to applicants

Any siting tool(s) available to help applicants identify suitable lease sites and/or agency review of applications?

- [Aquaculture mapping atlas](#) (may be useful for SAV mapping or other environmental restrictions)
- Can contact DABA for more information
- [A guide to NY and CT's shellfish and seaweed aquaculture viewer](#)

Is a pre-application meeting required, encouraged, not specified?

Required

Application Fees

Any pre-determination meeting fee for applicants?

No

Finfish lease/permit application fee?

Joint permit application is free.

Is applicant fee returned if denied?

N/A

Corps Individual Permit fee

Yes, \$100.

Advertisement and Public Scoping

Is a public scoping meeting required by agency or applicant?

No information

Summary of advertisement requirement of lease application by agency and/or applicant?

No information

Who pays for advertisement?

No information

Business/Operations Plan

Is a management or operations plan required with application?

Yes

Is a business plan required with application?

Not required; business and finance planning info [under 'Economics of Aquaculture.'](#)

Lease Review/Approval Timeframe

Permit review/approval timeframe (best, worst, average) from time applicant applies to final issuance? Separate by state/Corps if needed, available.

No information

Lease Term and Conditions

Is a lease required?

Likely no for a net pen if in water column (unless culture were done on bottom).

Maximum term limit for lease?

No information

Are renewals available?

No information

Any renewal fee?

No information

Is there an active use requirement? Any criteria to assess?

No information

Is there a production report requirement?

No information

Frequency for providing production report?

No information

Can a finfish aquaculture lease be transferred?

No information

Is there a bid process for leases?

No information

Any acreage limits?

No information

Limits per site

No information

Limits per person

No information

Limits on number of lease sites a person can hold

No information

Rental and Use Fees

Annual rental fee?

No information

Any finfish aquaculture harvest surcharge? If so, what is it?

No information

Other Fees

Other required fees/costs associated with obtaining a finfish aquaculture lease/permit?

- Possible DEEP Structures, Dredging, Fill (SDF) and Tidal Wetlands Permits (have fees)

Land surveyor/hydrographic survey

No information

Lease markering responsibility

No information

Biological assessment fee

No information

Property tax

No information

Present shellfish value assessment on proposed lease site?

Not required

Additional Information Sources

Other websites of interest:

- [A guide to mariculture aquaculture permitting](#) (non-finish; see above)

Definitions

State definition of aquaculture:

Controlled rearing, cultivation and harvest plants and animals in land-based and marine-based culture systems, tanks, containers, impoundments, floating and submerged nets or pens and ponds.

Any alternative names of a 'lease'?

No information

Special Natural Resource and Social Permit Conditions

Any special Corps/State permitting conditions to address environmental/user conflicts (in addition to standard NWP 56 conditions)?

Limitation of number of vertical lines to reduce entanglement and use of weighted line to keep lines vertical, taut.

Protected Resources and Critical Habitat Designations

Standard, coordinated by USACE, USFWS, and CT DEEP Fisheries.

Essential Fish Habitat (EFH)

Standard, coordinated by USACE and CT DEEP Fisheries.

Navigation

No unreasonable interference with navigation. 200 ft setback from federal navigation projects. Any structure or work that extends closer to the horizontal limits of a FNP than a distance 3x the authorized depth shall be subject to removal at the owner's expense prior to any Corps dredging or performance of any hydrographic surveys.

CT DEEP Boating Safety Division will monitor.

Historic resources

Standard, all applications sent to CT SHPO.

Migratory Fish

No information.

Shellfish density threshold

Can't interfere with established shellfishing.

Submerged aquatic vegetation (SAV)

- Activity banned in any eelgrass bed.
- Minimum buffer of 25 ft for routine lease activity.

Other natural resource protection measures?

Must use native species sourced from within Long Island Sound; for native kelp, source tissue must be obtained from Long Island Sound or a CT hatchery that is producing native kelp sores originating from Long Island Sound source tissue.

Riparian setback

No information.

Social capacity

No information

Finfish-Specific Measures of Protection

Do cultured species need to be native?

Yes

Rules for transport across state lines

See Sec 26-57 of statute. No transport permitted needed to transport in/out fish/game which has been legally bred or propagated under CT permits, but may be other restrictions.

Pathological inspections for fish and miscellaneous health requirements

Hatcheries must be open to inspection at any time per statutes (see hatchery info below).

Contact in case of escape or disease outbreak

No information

Any other finfish rules or regulations to be aware of? (Genetic requirements, year-class stocking, etc.)

No information

Land-based Hatcheries

State agency/contact that regulates land-based hatchery permitting

Fisheries and Game, Department of Environmental Protection oversees. Statute [Chapter 490, Sec 26-149](#).

[Alternative Link](#)

Riparian Landowner Requirements

Any definition of what constitutes a riparian owner?

No information

Any riparian owner notice requirement for lease applications?

USACE will notify abutters in case of needing Individual Permit.

Is applicant required to provide list of riparian owners to permitting agency?

Provided to Corps.

Is any consent of riparian owner required? If so, under what condition?

No information

Coastal Zone Management (CZM) Consistency Determination

DEEP, LWRD will determine consistency.

Section 401 Water Quality Certification (WQC)

No information.

Section 402/403 Pollution Control

NPDES Permit generally required if producing >20,000 lbs. cold water fish or >100,000 lbs. warm water fish, but varies by state. Required for discharge of pollutants to waters of United States (feed, nutrients, pharmaceuticals, antifouling agents, disinfectants, etc.) [See NPDES website](#).

See [DEEP website](#) for more info if intending to discharge pollutants.

Miscellaneous Questions

Any other license, permit and/or registration required for finfish aquaculture and other related activities (e.g. finfish import/nursery permits)? What are fees?

- [Permit Requirements for Aquaculture in CT](#)

Possible needs:

- Sci./Resource Assess. License (free, non-commercial uses)
- Possible DEEP Structures, Dredging, Fill (SDF) and Tidal Wetlands Permits (have fees)

Any finfish aquaculture lease/permit holder training/exam requirement?

Hazard Analysis and Critical Control Point training.

Are finfish aquaculture leases/permits restricted to residents only?

No information

Annual Permit/Lease Application Activity (2020)

Average # of finfish lease applications/year (last 3-5 years)?

No information

Number of complete finfish applications currently in review?

No information

Total Number of Leases (2020 unless otherwise noted)

Total # of finfish leases.

Town and state shellfish parcels total about 1,700 lots.

Total acreage of finfish aquaculture leases. Separate by species if available.

No information

Total # of lease holders/individuals employed (if available)?

No information

Harvest and Value (2020 unless otherwise noted)

Harvest and value of finfish aquaculture.

No information

Any farm gate value estimates of finfish aquaculture harvest? Separate by species if available.

No information

Delaware

Summary of the Status of Finfish Culture

Information on finfish culture is not available for Delaware at this time.

Florida

Summary of the Status of Finfish Culture

Finfish culture can be permitted on submerged lands leases. While the usual water column lease regulations are generally the same as they are for shellfish, some rules (such as acreage of leases) will be dealt with on a case-by-case basis.

Finfish is NOT covered by Florida's PGP SAJ 99, so an IP from the Corps is needed.

Tribal

None

Local Municipality

Any local municipality leasing/permitting authority? If so, who?

In Hillsborough County, the Port retains leasing rights.

Local municipality website for finfish aquaculture leasing/permitting:

No aquaculture leases in that county at this time.

Local municipality application for finfish aquaculture leasing/permitting:

No information.

State Government

State lead agency(ies) for finfish aquaculture leasing/permitting:

Department of Agriculture and Consumer Services (FDACS), Division of Aquaculture

State agency contact(s) for finfish aquaculture leasing/permitting:

- Charlie Culpepper, Assistant Director, charlie.culpepper@fdacs.gov, 850-617-7616
- Serina Rocco, CPM, Environmental Administrator, serina.rocco@fdacs.gov, 850-617-7621

State agency website(s) for aquaculture leasing/permitting:

- [FDACS Division of Aquaculture](#)
- [Food-Fish](#)

State finfish aquaculture leasing/permitting law(s):

- [Florida Statutes Chapter 253 and Chapter 597](#)

State finfish aquaculture leasing/permitting regulation(s):

- [Aquaculture Best Management Practices Manual](#)
- Leasing regs: [Florida Administrative Code 18-21.020-.900](#)

State application for finfish leasing/permitting:

[Submerged land lease](#)

U.S. Army Corps of Engineers

Corps District(s):

Jacksonville

Corps contact(s) for finfish aquaculture permitting:

Krista Sabin, krista.d.sabin@usace.army.mil, 561-335-8099

Corps website for finfish aquaculture permitting:

[Jacksonville Regulatory Source Book](#)

Corps permit for finfish aquaculture:

[IP](#)

Corps permit expiration:

10-Aug-23

Corps application for finfish aquaculture permitting:

- [IP](#)
- [Aquaculture Certificate of Registration](#)

Is there a State/Federal Joint Permit Application (JPA)?

N/A

Is a Pre-Construction Notification (PCN) required?

IP always required

Are there interagency meetings (state/federal)

No information.

Interagency Meeting Frequency:

N/A

Applicant Guide/Tools

Is there a finfish aquaculture applicant guide book/information?

- [Lease guidelines written for shellfish](#); leasing for finfish should be nearly identical to shellfish water column leases, but know that some details may change
- [Further management guidance](#)

Process flowchart available?

Highly rudimentary visual process in [leasing guide](#) above

Any siting tool(s) available to help applicants identify suitable lease sites and/or agency review of applications?

[Division of Aquaculture GIS](#)

Is a pre-application meeting required, encouraged, not specified?

Available to assist with completion of application, but not required (HIGHLY advised for finfish given unusual process).

Application Fees

Any pre-determination meeting fee for applicants?

No

Finfish lease/permit application fee?

\$200

Is applicant fee returned if denied?

Yes

Corps Individual Permit fee

\$100 in rare case requested activity falls outside of Florida's PGP.

Advertisement and Public Scoping

Is a public scoping meeting required by agency or applicant?

Depends on public comment.

Summary of advertisement requirement of lease application by agency and/or applicant?

Advertise in a local paper for three consecutive weeks.

Who pays for advertisement?

Applicant's responsibility, but typically paid for by Agency.

Business/Operations Plan

Is a management or operations plan required with application?

Yes ("development plan").

Is a business plan required with application?

Yes ("business development plan").

Lease Review/Approval Timeframe

Permit review/approval timeframe (best, worst, average) from time applicant applies to final issuance? Separate by state/Corps if needed, available.

Variable

Lease Term and Conditions

Is a lease required?

Yes

Maximum term limit for lease?

10 years

Are renewals available?

Yes

Any renewal fee?

No, lease rental fees due annually but no renewal fee is charged.

Is there an active use requirement? Any criteria to assess?

Failure of the lessee to perform effective cultivation shall constitute ground for cancellation of the lease and forfeiture to the state of all the works, improvements, and animal and plant life in and upon the leased land and water column. Effective cultivation shall consist of the grow out of the aquaculture product according to the business plan provided in the lease contract.

Maintenance according to BMPs; additional use requirements case-by-case

Is there a production report requirement?

Yes, annual audit report.

Frequency for providing production report?

Annually in January

Can a finfish aquaculture lease be transferred?

Yes, \$50 transfer fee after leaseholder has held lease for 5 years from the original execution date.

Is there a bid process for leases?

n/a

Any acreage limits?

Case-by-case

Limits per site

No information

Limits per person

No information

Limits on number of lease sites a person can hold

No information

Rental and Use Fees

Annual rental fee?

Minimum rate of \$30 per acre and fractional acres (currently \$33.46), and a \$10.00 per acre and fractional acres surcharge.

Any finfish aquaculture harvest surcharge? If so, what is it?

No but a \$10/acre or fractional acre annual surcharge.

Other Fees

Other required fees/costs associated with obtaining a finfish aquaculture lease/permit?

\$10/acre surcharge, \$100 annual aquaculture certificate fee.

Land surveyor/hydrographic survey

Applicant obtains two prints of survey from an approved land surveyor.

Lease markering responsibility

Applicant

Biological assessment fee

N/A, agency will conduct site inspection and resource assessment.

Property tax

N/A

Present shellfish value assessment on proposed lease site?

N/A

Additional Information Sources

Other websites of interest:

- [Aquaculture Business Resources](#)
- [BMPs](#)

Definitions

State definition of aquaculture:

Cultivation of aquatic organisms.

Any alternative names of a 'lease'?

N/A

Special Natural Resource and Social Permit Conditions

Any special Corps/State permitting conditions to address environmental/user conflicts (in addition to standard NWP 56 conditions)?

- See BMPs
- Leases in Aquaculture Use Zones help reduce user conflicts. Off-bottom gear must be marked with leaseholder identification information tags.

Protected Resources and Critical Habitat Designations

- See BMPs
- PGP includes special conditions for certain listed species which leasee shall comply with. PGP includes limitations for aqua activities within CHD of several ESA listed species.

Essential Fish Habitat (EFH)

Standard

Navigation

Standard under IP (note that state PGP has 100 ft setback from FNCs, but finfish not covered under PGP).

Historic resources

Standard

Migratory Fish

No information

Shellfish density threshold

Lease cannot contain live bottoms or harvestable shellfish resources (more than five legal-size clams/square meter over over 50% of proposed area or oyster reef covering more than 100 square ft within proposed area)

Submerged aquatic vegetation (SAV)

Lease cannot contain seagrasses or live bottoms.

Other natural resource protection measures?

- Must have sand or mud bottom, good water exchange, feed management, etc.; see BMPs
- [Full list of mandatory BMPs](#)

Riparian setback

- Notice riparian owner(s) within 500 ft of proposed lease. Structures and activities must be set back 25 ft from riparian rights line unless concurrence from owner.
- An aquaculture lease area for a non-riparian applicant shall not be approved when the distance is less than or equal to 100 ft waterward of mean or ordinary high water or less than or equal to 100 ft waterward of existing structures and permitted activities on sovereignty lands, unless the applicant obtains a letter of concurrence from the upland riparian owner.

Social capacity

n/a

Finfish-Specific Measures of Protection

Do cultured species need to be native?

Yes, would permit native only.

Rules for transport across state lines

[Import and Export Requirements](#)

Pathological inspections for fish and miscellaneous health requirements

Health management records, Veterinary Inspections, etc. all described in [BMPs](#)

Contact in case of escape or disease outbreak

FDACS

Any other finfish rules or regulations to be aware of? (Genetic requirements, year-class stocking, etc.)

- Snook not allowed
- Extensive other finfish/net pen-specific rules in [BMPs](#)

Land-based Hatcheries

State agency/contact that regulates land-based hatchery permitting

No information

Riparian Landowner Requirements

Any definition of what constitutes a riparian owner?

Riparian rights are those incident to land bordering upon navigable waters. They are rights of ingress, egress, boating, bathing, and fishing and such others as may be or have been defined by law. Such rights are not of a proprietary nature. They are rights inuring to the owner of the riparian land but are not owned by him or her. They are appurtenant to and are inseparable from the riparian land. The land to which the owner holds title must extend to the ordinary high watermark of the navigable water in order that riparian rights may attach. Conveyance of title to or lease of the riparian land entitles the grantee to the riparian rights running therewith whether or not mentioned in the deed or lease of the upland. Statute 253.141

Any riparian owner notice requirement for lease applications?

Agency notifies riparian owners within 500 ft of the nominated area.

Is applicant required to provide list of riparian owners to permitting agency?

Agency notifies riparian owners within 500 ft of the nominated area.

Is any consent of riparian owner required? If so, under what condition?

Riparian owner has ability to comment on proposed activity. Letter of concurrence needed to work within riparian setbacks (see riparian setback definitions above).

Coastal Zone Management (CZM) Consistency Determination

[State approval constitutes compliances with CZM](#)

Section 401 Water Quality Certification (WQC)

No information

Section 402/403 Pollution Control

NPDES Permit (not always required)

Required for discharge of pollutants to waters of United States (feed, nutrients, pharmaceuticals, antifouling agents, disinfectants, etc.) [More info from NPDES website.](#)

If more than 100,000 pounds live weight produced annually: [Florida NPDES Program](#)

Miscellaneous Questions

Any other license, permit and/or registration required for finfish aquaculture and other related activities (e.g. finfish import/nursery permits)? What are fees?

- [Aquaculture certificate of registration](#) (\$100 annually)
- PATON
- [Appropriate documentation for imported seed/stock](#)

Any finfish aquaculture lease/permit holder training/exam requirement?

No information

Are finfish aquaculture leases/permits restricted to residents only?

No

Annual Permit/Lease Application Activity (2020)

Average # of finfish lease applications/year (last 3-5 years)?

No information

Number of complete finfish applications currently in review?

No information

Total Number of Leases (2020 unless otherwise noted)

Total # of finfish leases.

No information

Total acreage of finfish aquaculture leases. Separate by species if available.

No information

Total # of lease holders/individuals employed (if available)?

No information

Harvest and Value (2020 unless otherwise noted)

Harvest and value of finfish aquaculture.

No information

Any farm gate value estimates of finfish aquaculture harvest? Separate by species if available.

No information

Georgia

Summary of the Status of Finfish Culture

Marine and freshwater finfish are regulated separately, with marine under the Coastal Resources Division. However, under the overarching category of aquaculture, OCGA 27-4-251 through 254 are the only real regulations providing any guidance, setting up an Aquaculture Development Commission.

If finfish were to be permitted in state waters, they would be restricted to native species.

Tribal

No information.

Local Municipality

Any local municipality leasing/permitting authority? If so, who?

No information.

Local municipality website for finfish aquaculture leasing/permitting:

No information.

Local municipality application for finfish aquaculture leasing/permitting:

No information.

State Government

State lead agency(ies) for finfish aquaculture leasing/permitting:

Department of Natural Resources, Coastal Resources Division

State agency contact(s) for finfish aquaculture leasing/permitting:

Dr. Carolyn Belcher, carolyn.belcher@dnr.ga.gov, 912-264-7218

State agency website(s) for aquaculture leasing/permitting:

[Georgia Coastal Resources Division](#)

State finfish aquaculture leasing/permitting law(s):

[O.C.G.A. 27-4-251 through 254](#)

State finfish aquaculture leasing/permitting regulation(s):

No information

State application for finfish leasing/permitting:

No information

U.S. Army Corps of Engineers

Corps District(s):

Savannah

Corps contact(s) for finfish aquaculture permitting:
800-448-2402

Corps website for finfish aquaculture permitting:
[Savannah Nationwide Permits](#)

Corps permit for finfish aquaculture:
NWP 56 [regional conditions](#)

Corps permit expiration:
14-Mar-26

Corps application for finfish aquaculture permitting:
Use [PCN form ENG 6082](#)

Is there a State/Federal Joint Permit Application (JPA)?
No

Is a Pre-Construction Notification (PCN) required?
PCN at minimum

Are there interagency meetings (state/federal)
Yes

Interagency Meeting Frequency:
Monthly

Applicant Guide/Tools

Is there a finfish aquaculture applicant guide book/information?
No information

Process flowchart available?
No information

Any siting tool(s) available to help applicants identify suitable lease sites and/or agency review of applications?
No information

Is a pre-application meeting required, encouraged, not specified?

Pre-application meetings are encouraged and assistance with any department forms is offered.

Application Fees

Any pre-determination meeting fee for applicants?

No information

Finfish lease/permit application fee?

No information

Is applicant fee returned if denied?

No information

Corps Individual Permit fee

Yes, \$100.

Advertisement and Public Scoping

Is a public scoping meeting required by agency or applicant?

No information

Summary of advertisement requirement of lease application by agency and/or applicant?

No information

Who pays for advertisement?

No information

Business/Operations Plan

Is a management or operations plan required with application?

No information

Is a business plan required with application?

No information

Lease Review/Approval Timeframe

Permit review/approval timeframe (best, worst, average) from time applicant applies to final issuance? Separate by state/Corps if needed, available.

No information

Lease Term and Conditions

Is a lease required?

No information

Maximum term limit for lease?

No information

Are renewals available?

No information

Any renewal fee?

No information

Is there an active use requirement? Any criteria to assess?

No information

Is there a production report requirement?

No information

Frequency for providing production report?

No information

Can a finfish aquaculture lease be transferred?

No information

Is there a bid process for leases?

No information

Any acreage limits?

No information

Limits per site

No information

Limits per person

No information

Limits on number of lease sites a person can hold

No information

Rental and Use Fees

Annual rental fee?

No information

Any finfish aquaculture harvest surcharge? If so, what is it?

No information

Other Fees

Other required fees/costs associated with obtaining a finfish aquaculture lease/permit?

No information

Land surveyor/hydrographic survey

No information

Lease markering responsibility

No information

Biological assessment fee

No information

Property tax

No information

Present shellfish value assessment on proposed lease site?

No information

Additional Information Sources

Other websites of interest:

No information

Definitions

State definition of aquaculture:

Mariculture: the controlled cultivation of shellfish in confinement from seed size until harvest for commercial purposes.

Any alternative names of a 'lease'?

No information

Special Natural Resource and Social Permit Conditions

Any special Corps/State permitting conditions to address environmental/user conflicts (in addition to standard NWP 56 conditions)?

No information

Protected Resources and Critical Habitat Designations

No information

Essential Fish Habitat (EFH)

No information

Navigation

No information

Historic resources

No information

Migratory Fish

No information

Shellfish density threshold

No information

Submerged aquatic vegetation (SAV)

No information

Other natural resource protection measures?

No information

Riparian setback

No information

Social capacity

No information

Finfish-Specific Measures of Protection

Do cultured species need to be native?

Yes, would permit native only.

Rules for transport across state lines

No information

Pathological inspections for fish and miscellaneous health requirements

No information

Contact in case of escape or disease outbreak

No information

Any other finfish rules or regulations to be aware of? (Genetic requirements, year-class stocking, etc.)

No information

Land-based Hatcheries

State agency/contact that regulates land-based hatchery permitting

Regulated by the [Wildlife Resources Division of GADNR](#). Straightforward application process [as defined in regulations](#).

Riparian Landowner Requirements

Any definition of what constitutes a riparian owner?

No information

Any riparian owner notice requirement for lease applications?

No information

Is applicant required to provide list of riparian owners to permitting agency?

No information

Is any consent of riparian owner required? If so, under what condition?

No information

Coastal Zone Management (CZM) Consistency Determination

[Must obtain individual CZM consistency concurrence from GADNR](#)

[Further details](#)

Section 401 Water Quality Certification (WQC)

No information

Section 402/403 Pollution Control

NPDES Permit generally required if producing >20,000 lbs. cold water fish or >100,000 lbs. warm water fish, but varies by state. Required for discharge of pollutants to waters of United States (feed, nutrients, pharmaceuticals, antifouling agents, disinfectants, etc.). [See NPDES website.](#)

[Georgia NPDES Program](#)

Miscellaneous Questions

Any other license, permit and/or registration required for finfish aquaculture and other related activities (e.g. finfish import/nursery permits)? What are fees?

No information

Any finfish aquaculture lease/permit holder training/exam requirement?

No information

Are finfish aquaculture leases/permits restricted to residents only?

No information

Annual Permit/Lease Application Activity (2020)

Average # of finfish lease applications/year (last 3-5 years)?

No information

Number of complete finfish applications currently in review?

No information.

Total Number of Leases (2020 unless otherwise noted)

Total # of finfish leases.

No information

Total acreage of finfish aquaculture leases. Separate by species if available.

No information

Total # of lease holders/individuals employed (if available)?

No information

Harvest and Value (2020 unless otherwise noted)

Harvest and value of finfish aquaculture.

No information

Any farm gate value estimates of finfish aquaculture harvest? Separate by species if available.

No information

Guam

Summary of the Status of Finfish Culture

Aquaculture must take place in waters greater than 60 ft in depth in order to protect from typhoon damage.

Tribal

No information

Local Municipality

Any local municipality leasing/permitting authority? If so, who?

No information

Local municipality website for finfish aquaculture leasing/permitting:

No information

Local municipality application for finfish aquaculture leasing/permitting:

No information

State Government

State lead agency(ies) for finfish aquaculture leasing/permitting:

- Department of Agriculture, Division of Aquatic and Water Resources (DAWR) coordinates
- Department of Land Management permits the land use
- Guam EPA handles discharge

State agency contact(s) for finfish aquaculture leasing/permitting:

DAWR fisheries biologists:

- Brent Tibbatts, brent.tibbatts@doag.guam.gov
- Frank Roberto, frank.roberto@doag.guam.gov

State agency website(s) for aquaculture leasing/permitting:

No information.

State finfish aquaculture leasing/permitting law(s):

No information

State finfish aquaculture leasing/permitting regulation(s):

[9 GAR Div. 2, Chapter 12](#): Fishing Regulations

State application for finfish leasing/permitting:

No information

U.S. Army Corps of Engineers

Corps District(s):

Honolulu

Corps contact(s) for finfish aquaculture permitting:

808-835-4303

Corps website for finfish aquaculture permitting:

[Honolulu Nationwide Permits](#)

Corps permit for finfish aquaculture:

NWP 56; [Regional conditions](#) (no special conditions)

Corps permit expiration:

14-Mar-26

Corps application for finfish aquaculture permitting:

PCN. Can use [form ENG 6082](#).

Is there a State/Federal Joint Permit Application (JPA)?

No

Is a Pre-Construction Notification (PCN) required?

Yes

Are there interagency meetings (state/federal)

No information

Interagency Meeting Frequency:

No information

Applicant Guide/Tools

Is there a finfish aquaculture applicant guide book/information?

No

Process flowchart available?

No

Any siting tool(s) available to help applicants identify suitable lease sites and/or agency review of applications?

No

Is a pre-application meeting required, encouraged, not specified?

Encouraged by both Corps and Guam.

Application Fees

Any pre-determination meeting fee for applicants?

N/A

Finfish lease/permit application fee?

Possibly. Fees have not been set but may be charged.

Is applicant fee returned if denied?

No information

Corps Individual Permit fee

Yes, \$100.

Advertisement and Public Scoping

Is a public scoping meeting required by agency or applicant?

Public hearing required.

Summary of advertisement requirement of lease application by agency and/or applicant?

Public hearing only.

Who pays for advertisement?

No information

Business/Operations Plan

Is a management or operations plan required with application?

Yes, both general operations plan and contingency plan for storms required.

Is a business plan required with application?

No information

Lease Review/Approval Timeframe

Permit review/approval timeframe (best, worst, average) from time applicant applies to final issuance? Separate by state/Corps if needed, available.

No information

Lease Term and Conditions

Is a lease required?

No, just permit

Maximum term limit for lease?

Permits good for 1 year.

Are renewals available?

Yes

Any renewal fee?

No

Is there an active use requirement? Any criteria to assess?

No

Is there a production report requirement?

Yes

Frequency for providing production report?

No information

Can a finfish aquaculture lease be transferred?

No

Is there a bid process for leases?

No

Any acreage limits?

No

Limits per site

None

Limits per person

None

Limits on number of lease sites a person can hold

None

Rental and Use Fees

Annual rental fee?

No

Any finfish aquaculture harvest surcharge? If so, what is it?

No information

Other Fees

Other required fees/costs associated with obtaining a finfish aquaculture lease/permit?

No information

Land surveyor/hydrographic survey

N/A

Lease markering responsibility

Applicant

Biological assessment fee

N/A

Property tax

No information

Present finfish value assessment on proposed lease site?

No information

Additional Information Sources

Other websites of interest:

No information

Definitions

State definition of aquaculture:

No information

Any alternative names of a 'lease'?

"Permit" issued by DLM.

Special Natural Resource and Social Permit Conditions

Any special Corps/State permitting conditions to address environmental/user conflicts (in addition to standard NWP 56 conditions)?

Ideally should culture native species; the permitting process will be more stringent for nonnative ventures. Aquaculture must be in waters greater than 60 ft in depth considering the need to submerge farms in the event of typhoons.

Protected Resources and Critical Habitat Designations

Standard

Essential Fish Habitat (EFH)

Standard

Navigation

Standard

Historic resources

Standard

Migratory Fish

No information

Shellfish density threshold

No information

Submerged aquatic vegetation (SAV)

Standard

Other natural resource protection measures?

Contingency plan for storms required; Aquaculture must take place in waters greater than 60ft in depth in order to protect from typhoon damage.

Riparian setback

N/A

Social capacity

N/A

Finfish-Specific Measures of Protection

Do cultured species need to be native?

No information

Rules for transport across state lines

No information

Pathological inspections for fish and miscellaneous health requirements

No information

Contact in case of escape or disease outbreak

No information

Any other finfish rules or regulations to be aware of? (Genetic requirements, year-class stocking, etc.)

No information

Land-based Hatcheries

State agency/contact that regulates land-based hatchery permitting

No information

Riparian Landowner Requirements

Any definition of what constitutes a riparian owner?

No information

Any riparian owner notice requirement for lease applications?

Public hearing.

Is applicant required to provide list of riparian owners to permitting agency?

N/A

Is any consent of riparian owner required? If so, under what condition?

N/A

Coastal Zone Management (CZM) Consistency Determination

[Individual CZM certification required](#)

Section 401 Water Quality Certification (WQC)

[Waived.](#)

Section 402/403 Pollution Control

NPDES Permit Generally required if producing >20,000 lbs. cold water fish or >100,000 lbs. warm water fish, but varies by state. Required for discharge of pollutants to waters of United States (feed, nutrients, pharmaceuticals, antifouling agents, disinfectants, etc.) [More info from NPDES website.](#)

[Regulated by NPDES in event of discharge](#)

Miscellaneous Questions

Any other license, permit and/or registration required for finfish aquaculture and other related activities (e.g. finfish import/nursery permits)? What are fees?

- Import permits
- USCG PATON
- Certificate of health (and USFWS permits) needed if coming from outside of U.S.

Any finfish aquaculture lease/permit holder training/exam requirement?

N/A

Are finfish aquaculture leases/permits restricted to residents only?

No information

Annual Permit/Lease Application Activity (2020)

Average # of finfish lease applications/year (last 3-5 years)?

No information

Number of complete finfish applications currently in review?

No information

Total Number of Leases (2020 unless otherwise noted)

Total # of finfish leases.

No information

Total acreage of finfish aquaculture leases. Separate by species if available.

No information

Total # of lease holders/individuals employed (if available)?

No information

Harvest and Value (2020 unless otherwise noted)

Harvest and value of finfish aquaculture

No information

Any farm gate value estimates of finfish aquaculture harvest? Separate by species if available.

No information

Hawaii

Summary of the Status of Finfish Culture

- Finfish can be (and has been) permitted offshore with a submerged lands lease.

Tribal

No lease shall be granted by the board which conflicts with or impairs konohiki fishing rights. Any traditional fishing or marine activity conducted within konohiki fishing grounds is subject to all applicable state laws and rules enacted pursuant to the State's police powers over fisheries and navigable waters.

Local Municipality

Any local municipality leasing/permitting authority? If so, who?

No development can occur within a Special Management Area unless a permit is obtained from the county.

Local municipality website for finfish aquaculture leasing/permitting:

No information

Local municipality application for finfish aquaculture leasing/permitting:

No information

State Government

State lead agency(ies) for finfish aquaculture leasing/permitting:

- DLNR, Office of Conservation & Coastal Lands (OCCL) administers Conservation District Use Application for submerged lands.
- Board of Land and Natural Resources (DLNR) approves lease.
- Division of Aquatic Resources issues Aquaculture Dealer Permit.

State agency contact(s) for finfish aquaculture leasing/permitting:

Samuel J. Lemmo

Office of Conservation and Coastal Lands Kalanimoku Building

1151 Punchbowl St., Room 131

Honolulu, HI 96813

Ph: 808-587-0377

State agency website(s) for aquaculture leasing/permitting:

- [Office of Conservation and Coastal Lands](#)
- [BLNR Board](#) (for leases)

State finfish aquaculture leasing/permitting law(s):

- [Sections 220-1, 187A-3.5](#)
- [Chapter 190D](#): Ocean and Submerged Land Leasing

State finfish aquaculture leasing/permitting regulation(s):

- [Aquaculture License](#)
- [Aquaculture Loan Division](#)
- [Aquaculture Special Development Fund](#)

State application for finfish leasing/permitting:

- [Aquaculture License](#)
- [CDUA](#)
- [BLNR Board](#)

U.S. Army Corps of Engineers

Corps District(s):

Honolulu

Corps contact(s) for finfish aquaculture permitting:
808-835-4303

Corps website for finfish aquaculture permitting:
[Honolulu Nationwide Permits](#)

Corps permit for finfish aquaculture:
NWP 56; [Regional conditions](#) (no special conditions)

Corps permit expiration:
14-Mar-26

Corps application for finfish aquaculture permitting:
PCN. Can use [form ENG 6082](#).

Is there a State/Federal Joint Permit Application (JPA)?
No information

Is a Pre-Construction Notification (PCN) required?
PCN at minimum

Are there interagency meetings (state/federal)
No information

Interagency Meeting Frequency:
No information

Applicant Guide/Tools

Is there a finfish aquaculture applicant guide book/information?
[Permits and Regulatory Requirements for Aquaculture in Hawaii](#)

Process flowchart available?
No information

Any siting tool(s) available to help applicants identify suitable lease sites and/or agency review of applications?
[Hawaii Statewide GIS Program](#)

Is a pre-application meeting required, encouraged, not specified?

Encouraged by Corps and by State of HI.

Application Fees

Any pre-determination meeting fee for applicants?

N/A

Finfish lease/permit application fee?

- Department (DAR) Aquaculture permit: \$50
- CUDP - Board Permit: \$100 application fee, plus additional \$100 per potential developed acre up to maximum of \$2,000.

Is applicant fee returned if denied?

No information

Corps Individual Permit fee

Yes, \$100.

Advertisement and Public Scoping

Is a public scoping meeting required by agency or applicant?

Recommended before process, hearing required for state waters.

Summary of advertisement requirement of lease application by agency and/or applicant?

Public notice on at least 3 separate days for lease; can include newspaper notice for CDUP hearing.

Who pays for advertisement?

Applicant, \$250 for hearing (CDUP).

Business/Operations Plan

Is a management or operations plan required with application?

Yes

Is a business plan required with application?

No information

Lease Review/Approval Timeframe

Permit review/approval timeframe (best, worst, average) from time applicant applies to final issuance? Separate by state/Corps if needed, available.

No information

Lease Term and Conditions

Is a lease required?

Yes

Maximum term limit for lease?

Issued by Board on a case-by-case basis (Chapter 190D Submerged Lands regs).

Are renewals available?

Yes

Any renewal fee?

No information

Is there an active use requirement? Any criteria to assess?

Yes; if lease is abandoned, board may order removal or sale of all assets on the lease.

Is there a production report requirement?

Yes

Frequency for providing production report?

Annually by July 31

Can a finfish aquaculture lease be transferred?

Yes (with approval from board).

Is there a bid process for leases?

Yes

Any acreage limits?

Subject to negotiation with board.

Limits per site

N/A

Limits per person

N/A

Limits on number of lease sites a person can hold

N/A

Rental and Use Fees

Annual rental fee?

Yes; subject to negotiation with Board; may contain royalty payments.

Any finfish aquaculture harvest surcharge? If so, what is it?

May supplement rent with royalty payments.

Other Fees

Other required fees/costs associated with obtaining a finfish aquaculture lease/permit?

- \$50 site plan approval
- \$100 temporary variance
- [Full cost breakdowns](#)
- [CDUA application: \\$250-\\$2500 \(2.5% cost of Board permit\)](#)

Land surveyor/hydrographic survey

\$50 subzone boundary determination fee.

Lease markering responsibility

Applicant

Biological assessment fee

- EA/EIS preparation costs are applicant's responsibility.

Property tax

No information

Present shellfish value assessment on proposed lease site?

No information

Additional Information Sources

Other websites of interest:

- [Open Ocean Fish Farming Page](#)
- [Pacific Aquaculture and Coastal Resource Center](#) (PACRC)

Definitions

State definition of aquaculture:

"Aquaculture" means the cultivation and production of aquatic life in a controlled salt, brackish, or fresh water environment.

Any alternative names of a 'lease'?

No information

Special Natural Resource and Social Permit Conditions

Any special Corps/State permitting conditions to address environmental/user conflicts (in addition to standard NWP 56 conditions)?

- Lessee responsible for removal of all animals/plants if needed to protect environment or public safety. Costs of eradication of any escaped stock fall on lessee.
- Note military uses and other use conflicts off-shore.

Protected Resources and Critical Habitat Designations

Standard

Essential Fish Habitat (EFH)

Standard

Navigation

Standard

Historic resources

State Historic Preservation Division will have opportunity to review projects for historical sites, burial sites, etc. Must notify at least 90 days before any action that might affect historic site. Historical site surveys have specific costs.

Migratory Fish

No information

Shellfish density threshold

No information

Submerged aquatic vegetation (SAV)

Standard

Other natural resource protection measures?

Special Management Area Use Permit (SMAP) needed in Special Management Areas.

Riparian setback

No information

Social capacity

No information

Finfish-Specific Measures of Protection

Do cultured species need to be native?

No information

Rules for transport across state lines

Import license needed and must report imports.

Pathological inspections for fish and miscellaneous health requirements

No information

Contact in case of escape or disease outbreak

No information

Any other finfish rules or regulations to be aware of? (Genetic requirements, year-class stocking, etc.)

No information

Land-based Hatcheries

State agency/contact that regulates land-based hatchery permitting

Same aquaculture permit, oversight, etc.; see land-based description in guide. May be easier permitting on private property (e.g. Hawaiian fish ponds).

Riparian Landowner Requirements

Any definition of what constitutes a riparian owner?

No information

Any riparian owner notice requirement for lease applications?

No information

Is applicant required to provide list of riparian owners to permitting agency?

No information

Is any consent of riparian owner required? If so, under what condition?

No information

Coastal Zone Management (CZM) Consistency Determination

Aquaculture facilities that require a Corps permit will be sent to the state CZMP for consistency review as part of the federal permit process.

Section 401 Water Quality Certification (WQC)

[Not required.](#)

Section 402/403 Pollution Control

NPDES Permit generally required if producing >20,000 lbs. cold water fish or >100,000 lbs. warm water fish, but varies by state. Required for discharge of pollutants to waters of United States (feed, nutrients, pharmaceuticals, antifouling agents, disinfectants, etc.) [See NPDES website.](#)

\$1000 filing fee for 5-year [NPDES permit](#) in event of discharge (of a sufficient level).

Miscellaneous Questions

Any other license, permit and/or registration required for finfish aquaculture and other related activities (e.g. finfish import/nursery permits)? What are fees?

Permit to Import Restricted Commodities from DOA (fee applies)

Any finfish aquaculture lease/permit holder training/exam requirement?

No information

Are finfish aquaculture leases/permits restricted to residents only?

No information

Annual Permit/Lease Application Activity (2020)

Average # of finfish lease applications/year (last 3-5 years)?

No information

Number of complete finfish applications currently in review?

No information

Total Number of Leases (2020 unless otherwise noted)

Total # of finfish leases.

No information

Total acreage of finfish aquaculture leases. Separate by species if available.

No information

Total # of lease holders/individuals employed (if available)?

No information

Harvest and Value (2020 unless otherwise noted)

Harvest and value of finfish aquaculture

No information

Any farm gate value estimates of finfish aquaculture harvest? Separate by species if available.

No information

Louisiana

Summary of the Status of Finfish Culture

Due to the passage of a recent bill, all mariculture structures are currently in development. Both a Domestic Aquatic Organism Permit and a Mariculture Permit will be required for aquaculture; aquaculture will only be legal for listed species (currently redfish and cocohoe minnows for marine operations); uncertain whether leases will be required. Contact Robert Bourgeois (rbourgeois@wlf.la.gov) for more info.

Tribal

No information

Local Municipality

Any local municipality leasing/permitting authority? If so, who?

No information

Local municipality website for finfish aquaculture leasing/permitting:

No information

Local municipality application for finfish aquaculture leasing/permitting:

No information

State Government

State lead agency(ies) for finfish aquaculture leasing/permitting:

- Department of Wildlife and Fisheries is given authority over issuing permits and leases for finfish-related activities on state submerged lands.
- The Office of Coastal Management within the Department of Natural Resources (DNR) is responsible for the management and regulations of the use of Louisiana's coastal management zone.
- The Office of Coastal Management sets forth additional regulations.

State agency contact(s) for finfish aquaculture leasing/permitting:

Robert Bourgeois, rbourgeois@wlf.la.gov, 225-765-0765

State agency website(s) for aquaculture leasing/permitting:

[Wildlife & Fisheries: Commercial Saltwater Finfish](#)

State finfish aquaculture leasing/permitting law(s):

Upcoming

State finfish aquaculture leasing/permitting regulation(s):

Upcoming

State application for finfish leasing/permitting:

Upcoming

U.S. Army Corps of Engineers

Corps District(s):

Vicksburg, New Orleans, Galveston

Corps contact(s) for finfish aquaculture permitting:

- New Orleans: 504-862-2300
- Galveston: 409-766-3869

Corps website for finfish aquaculture permitting:

- [New Orleans Regulatory Permits](#)
- [Galveston Regulatory Permits](#)
- [Vicksburg Nationwide Permits](#)

Corps permit for finfish aquaculture:

- NWP 56 is denied unless certification is first acquired from Louisiana DNR
- [NWP 56 regional conditions](#)

Corps permit expiration:

14-Mar-26

Corps application for finfish aquaculture permitting:

- PCN. Can use [form ENG 6082](#)

- [JPA for alternative leases \(CUP\)](#)

Is there a State/Federal Joint Permit Application (JPA)?

[If a Coastal Use Permit \(CUP\) is needed, joint form](#)

Is a Pre-Construction Notification (PCN) required?

Yes

Are there interagency meetings (state/federal)

No information

Interagency Meeting Frequency:

No information

Applicant Guide/Tools

Is there a finfish aquaculture applicant guide book/information?

No information

Process flowchart available?

No information

Any siting tool(s) available to help applicants identify suitable lease sites and/or agency review of applications?

No information

Is a pre-application meeting required, encouraged, not specified?

No information

Application Fees

Any pre-determination meeting fee for applicants?

No information

Finfish lease/permit application fee?

Domestic Aquatic Organism Permit and Mariculture Permit will both be required.

Is applicant fee returned if denied?

No information

Corps Individual Permit fee

Yes, \$100.

Advertisement and Public Scoping

Is a public scoping meeting required by agency or applicant?

No information

Summary of advertisement requirement of lease application by agency and/or applicant?

No information

Who pays for advertisement?

No information

Business/Operations Plan

Is a management or operations plan required with application?

No information

Is a business plan required with application?

No information

Lease Review/Approval Timeframe

Permit review/approval timeframe (best, worst, average) from time applicant applies to final issuance? Separate by state/Corps if needed, available.

No information

Lease Term and Conditions

Is a lease required?

Uncertain

Maximum term limit for lease?

No information

Are renewals available?

No information

Any renewal fee?

No information

Is there an active use requirement? Any criteria to assess?

No information

Is there a production report requirement?

No information

Frequency for providing production report?

No information

Can a finfish aquaculture lease be transferred?

No information

Is there a bid process for leases?

No information

Any acreage limits?

No information

Limits per site

No information

Limits per person

No information

Limits on number of lease sites a person can hold

No information

Rental and Use Fees

Annual rental fee?

No information

Any finfish aquaculture harvest surcharge? If so, what is it?

No information

Other Fees

Other required fees/costs associated with obtaining a finfish aquaculture lease/permit?

No information

Land surveyor/hydrographic survey

No information

Lease markering responsibility

No information

Biological assessment fee

No information

Property tax

No information

Present shellfish value assessment on proposed lease site?

No information

Additional Information Sources

Other websites of interest:

No information

Definitions

State definition of aquaculture:

Producing, raising, managing, harvesting, transporting or marketing of aquatic livestock in privately owned waters or ponds. This definition does not include traditional or alternative oyster culture activities on state owned water bottoms.

Any alternative names of a 'lease'?

No information

Special Natural Resource and Social Permit Conditions

Any special Corps/State permitting conditions to address environmental/user conflicts (in addition to standard NWP 56 conditions)?

No information

Protected Resources and Critical Habitat Designations

No information

Essential Fish Habitat (EFH)

No information

Navigation

No information

Historic resources

No information

Migratory Fish

No information

Shellfish density threshold

No information

Submerged aquatic vegetation (SAV)

No information

Other natural resource protection measures?

No information

Riparian setback

No information

Social capacity

No information

Finfish-Specific Measures of Protection

Do cultured species need to be native?

Redfish, cocahoe minnows are the only current marine species.

Rules for transport across state lines

No information

Pathological inspections for fish and miscellaneous health requirements

No information

Contact in case of escape or disease outbreak

No information

Any other finfish rules or regulations to be aware of (Genetic requirements, year-class stocking, etc.)?

Upcoming

Land-based Hatcheries

State agency/contact that regulates land-based hatchery permitting

Land-based aquaculture is currently illegal

Riparian Landowner Requirements

Any definition of what constitutes a riparian owner?

No information

Any riparian owner notice requirement for lease applications?

No information

Is applicant required to provide list of riparian owners to permitting agency?

No information

Is any consent of riparian owner required? If so, under what condition?

No information

Coastal Zone Management (CZM) Consistency Determination

[Conditionally consistent per LDNR](#)

Section 401 Water Quality Certification (WQC)

N/A for this NWP

Section 402/403 Pollution Control

NPDES Permit Generally required if producing >20,000 lbs. cold water fish or >100,000 lbs. warm water fish, but varies by state. Required for discharge of pollutants to waters of United States (feed, nutrients, pharmaceuticals, antifouling agents, disinfectants, etc.) [See NPDES website.](#)

[LPDES Program](#)

Miscellaneous Questions

Any other license, permit and/or registration required for finfish aquaculture and other related activities (e.g. finfish import/nursery permits)? What are fees?

Domestic Aquatic Organism Permit and Mariculture Permit will both be required.

Any finfish aquaculture lease/permit holder training/exam requirement?

No information

Are finfish aquaculture leases/permits restricted to residents only?

No information

Annual Permit/Lease Application Activity (2020)

Average # of finfish lease applications/year (last 3-5 years)?

No information

Number of complete finfish applications currently in review?

No information

Total Number of Leases (2020 unless otherwise noted)

Total # of finfish leases.

No information

Total # of lease holders/individuals employed (if available)?

No information

Harvest and Value (2020 unless otherwise noted)

Harvest and value of finfish aquaculture.

No information

Any farm gate value estimates of finfish aquaculture harvest? Separate by species if available.

No information

Maine

Summary of the Status of Finfish Culture

- Finfish use the same regulatory and statutory structure as shellfish, but they exclusively use Discharge/Net Pen leases. Salmon farming a major industry in Maine.
- [Act To Amend Maine's Aquaculture Leasing and Licensing Statutes \(2021\)](#) to take effect.
- Note that Maine's Limited Purpose Aquaculture program is not available for finfish.

Tribal

Corps requires applicant to apply to all five Tribal Historic Preservation Officers. DMR retains leasing authority and Corps issues permit.

Local Municipality

Any local municipality leasing/permitting authority? If so, who?

For intertidal leasing, the owner of the intertidal to be leased and the municipal officers, if the municipality has an algae conservation program, must consent. Notice given to municipality of scoping session for standard lease. For LPA licenses, the owner of the intertidal and the municipal shellfish committee, in towns with a municipal conservation program, must consent.

Local municipality website for finfish aquaculture leasing/permitting:

No information

Local municipality application for finfish aquaculture leasing/permitting:

No information

State Government

State lead agency(ies) for finfish aquaculture leasing/permitting:

Department of Marine Resources (DMR)

State agency contact(s) for finfish aquaculture leasing/permitting:

Director Marcy Nelson (also contact for pre-application meeting),
marcy.nelson@maine.gov, 207-441-4681

State agency website(s) for aquaculture leasing/permitting:

[Department of Marine Resources \(DMR\)](#)

State finfish aquaculture leasing/permitting law(s):

- [DMR Aquaculture Laws and Regulations](#)
- [Act to Amend Maine's Aquaculture Leasing and Licensing Statutes](#) (2021, to take effect)

State finfish aquaculture leasing/permitting regulation(s):

[DMR Chapter 2: Aquaculture Lease Regulations](#)

State application for finfish leasing/permitting:

[Standard Discharge/Finfish Lease](#)

U.S. Army Corps of Engineers

Corps District(s):

New England

Corps contact(s) for finfish aquaculture permitting:

LeeAnn B. Neal, leeann.neal@usace.army.mil, 207-623-8367, ext. 2

Corps website for finfish aquaculture permitting:

[New England Regulatory/Permitting Division](#)

Corps permit for finfish aquaculture:

- [Maine General Permit Activity 23](#)
- [NWP 56 suspended in New England \(4/13/2021\)](#)

Corps permit expiration:

14-Oct-25

Corps application for finfish aquaculture permitting:

- If PCN, ENG Form 4345: See pages 37-42 of General Permit above.
- Above form may instead use [JPA](#)
- [Application checklist](#)
- [IP](#)

Is there a State/Federal Joint Permit Application (JPA)?

Yes, [JPA](#).

Is a Pre-Construction Notification (PCN) required?

PCN always required at minimum. Salmonid culture (or that of threatened/endangered species) not eligible for GP (requires IP).

IP also needed if more than minimum individual or cumulative impact to environmental resources or navigation (or else IP needed).

Are there interagency meetings (state/federal)

Yes, and Corps and DEP invited to pre-application meetings by DMR for finfish application.

Interagency Meeting Frequency:

Every 3 weeks.

Applicant Guide/Tools

Is there a finfish aquaculture applicant guide book/information?

[Conducting Aquaculture in Maine](#), currently pending on DMR site.

Process flowchart available?

[For state process.](#)

Any siting tool(s) available to help applicants identify suitable lease sites and/or agency review of applications?

[Aquaculture Map of current and pending lease sites.](#)

Is a pre-application meeting required, encouraged, not specified?

Required by DMR for Standard Lease applications, encouraged by Corps.

Application Fees

Any pre-determination meeting fee for applicants?

n/a

Finfish lease/permit application fee?

\$2,000 for standard discharge lease, \$100 for experimental lease.

Is applicant fee returned if denied?

Non-refundable

Corps Individual Permit fee

Yes, \$100.

Advertisement and Public Scoping

Is a public scoping meeting required by agency or applicant?

Required of applicant for standard lease.

Summary of advertisement requirement of lease application by agency and/or applicant?

DMR Public hearing for standard lease, may be required for experimental lease. Applicant required to publish in newspaper before scoping session and after leases granted.

Who pays for advertisement?

Applicant for scoping session, DMR for public hearing (applicant may have to reimburse for public hearing with new legislation).

Business/Operations Plan

Is a management or operations plan required with application?

Yes (application qualifies as operational plan).

Is a business plan required with application?

Operational plans, financial capability and cost estimates, and technical capability must be provided in application.

Lease Review/Approval Timeframe

Permit review/approval timeframe (best, worst, average) from time applicant applies to final issuance? Separate by state/Corps if needed, available.

Estimates are very difficult, depending on how many applications in the queue and the time of year for site assessments. 1-2 years for standard lease and 3-12 mths for experimental leases without hearings.

Lease Term and Conditions

Is a lease required?

Yes

Maximum term limit for lease?

Up to 20 yrs for standard lease and 3 yrs for experimental lease.

Are renewals available?

Yes for standard. For experimental lease no, unless for scientific research only.

Any renewal fee?

Yes, \$1,500 for standard lease.

Is there an active use requirement? Any criteria to assess?

Yes - lease may be revoked if not used. Monthly reporting of harvests and annual inspections are required. An annual report may also be required.

Is there a production report requirement?

Yes.

Frequency for providing production report?

Monthly.

Can a finfish aquaculture lease be transferred?

Yes, subject to fees (\$5,000).

Is there a bid process for leases?

No.

Any acreage limits?

Yes.

Limits per site

Up to 100 acres for standard lease and up to 4 acres for experimental lease.

Limits per person

1,000 acres combined across all kinds of leases (typically 500, but can be increased up to the 1,000 if deemed beneficial and appropriate; [Title 12, sec. 6072](#)).

Limits on number of lease sites a person can hold

No

Rental and Use Fees

Annual rental fee?

Yes: \$100/acre for both standard and experimental lease

Any finfish aquaculture harvest surcharge? If so, what is it?

No

Other Fees

Other required fees/costs associated with obtaining a finfish aquaculture lease/permit?

Additional fees for lease transfers/expansions, [Aquaculture License](#)

Land surveyor/hydrographic survey

DMR conducts on-site mapping.

Lease markering responsibility

Applicant

Biological assessment fee

Must conduct a Department-approved environmental baseline

Property tax

No information

Present finfish value assessment on proposed lease site?

Not value but occurrence and abundance.

Additional Information Sources

Other websites of interest:

- [Public Participation in the leasing process](#)

Definitions

State definition of aquaculture:

"Aquaculture" means the culture or husbandry of marine organisms by any person. Storage or any other form of impounding or holding wild marine organisms, without more, shall not qualify as aquaculture. In order to qualify as aquaculture, a project must involve affirmative action by the lessee to improve the growth rate or quality of the marine organism.

Any alternative names of a 'lease'?

N/A

Special Natural Resource and Social Permit Conditions

Any special Corps/State permitting conditions to address environmental/user conflicts (in addition to standard NWP 56 conditions)?

- If aquaculture has been conducted in a manner substantially injurious to marine organisms, if no substantial aquaculture or research has been conducted over the course of the lease or if any condition of the lease has been violated, the commissioner may initiate revocation proceedings and revoke the lease.
- Finfish pens not closer than 1,000 ft from public beaches/parks/docks.

Protected Resources and Critical Habitat Designations

See Discharge Application; no finfish pens within 1,500 ft of critical habitat or national parks, lakeshores, etc.

Essential Fish Habitat (EFH)

GC 17 of Maine's General Permit provides list of salmon areas for which screening for impacts on EFH is required (SV projects exempt).

Navigation

No unreasonable interference with navigation. Any structure or work that extends closer to the horizontal limits of a FNP than a distance 3x the authorized depth requires a PCN and shall be subject to removal at the owner's expense prior to any Corps dredging or performance of any hydrographic surveys.

Also see Discharge application; no finfish pens within 1,000 ft of municipal, State, or federally owned beaches, parks, or docking facilities.

Historic resources

Corps requires applicant to notify Maine Historic Preservation Commission.

Migratory Fish

Corps process. Could also be considered under DMR decision criterion #5 (Existing System Support).

Shellfish density threshold

Unreasonable interference or failure to meet decision criteria. Criteria are described at 12 M.R.S.A. §6072 (7-A) and DMR Regulations Chapter 2.37.

Submerged aquatic vegetation (SAV)

Assessed by DMR as part of decision criteria #5: Existing System Support.

Other natural resource protection measures?

DMR Chapter 24 regulations that govern importation and movement of marine organisms for biosecurity.

Riparian setback

Must meet decision criteria for ingress and egress - all riparian owners within 1,000 ft of proposed lease are notified. For LPAs, riparian landowners within 300 ft are notified. For both, this is measured from MLW.

Also see Discharge application; no finfish pens within 1,000 ft of municipal, State, or federally owned beaches, parks, or docking facilities.

Social capacity

See decision criteria. Criteria are described at 12 M.R.S.A. §6072 (7-A).

Finfish-Specific Measures of Protection

Do cultured species need to be native?

See Discharge Application for details on salmon imports.

Rules for transport across state lines

[Fish must originate from a DMR approved hatchery](#)

Pathological inspections for fish and miscellaneous health requirements

[Monthly screenings of fish at net pens under USDA APHIS ISA Program or similarly approved program](#)

Contact in case of escape or disease outbreak

See Discharge Application

Any other finfish rules or regulations to be aware of? (Genetic requirements, year-class stocking, etc.)

Single year class stocking at all sites

[See Corps regulation for salmon listed on application, including genetic requirements.](#)

Land-based Hatcheries

State agency/contact that regulates land-based hatchery permitting

[DMR Land-Based Aquaculture](#)

Riparian Landowner Requirements

Any definition of what constitutes a riparian owner?

Shorefront property owner whose property boundaries are within 1,000 ft of proposed lease boundaries (<300 ft for LPAs).

Any riparian owner notice requirement for lease applications?

If project is within 1,000 ft

Is applicant required to provide list of riparian owners to permitting agency?

Yes, certified by town. [Riparian Owners List form.](#)

Is any consent of riparian owner required? If so, under what condition?

Yes, for intertidal leases only (to the mean low water mark).

Coastal Zone Management (CZM) Consistency Determination

[Activities covered as a PCN under GP are consistent with CZM standards.](#)

Section 401 Water Quality Certification (WQC)

[Activities covered as a PCN under GP are consistent with WQC standards.](#)

Section 402/403 Pollution Control

NPDES Permit generally required if producing >20,000 lbs. cold water fish or >100,000 lbs. warm water fish, but varies by state. Required for discharge of pollutants to waters of United States (feed, nutrients, pharmaceuticals, antifouling agents, disinfectants, etc.) [See NPDES website](#).

Must get [Maine Pollution Discharge Elimination Permit](#). See forms at end of standard lease application w/ discharge.

Note that net pen and salmon aquaculture GPs have expired.

Miscellaneous Questions

Any other license, permit and/or registration required for finfish aquaculture and other related activities (e.g. finfish import/nursery permits)? What are fees?

- USCG PATON
- Aquaculture Harvest License (\$133)
- Important/Introduction/Movement of Finfish Application
- License to cultivate and sell fish (\$27 annually)
- [DMR Additional Forms](#)

Any finfish aquaculture lease/permit holder training/exam requirement?

No for standard lease, certain waters require Vibrio training & control plan through Bureau of Public Health.

Are finfish aquaculture leases/permits restricted to residents only?

No.

Annual Permit/Lease Application Activity (2020)

Average # of finfish lease applications/year?

[Leases Table](#)

Number of complete applications currently in review

No information

Total Number of Leases (2020 unless otherwise noted)

Total # of finfish leases.

No information

Total acreage of finfish aquaculture leases. Separate by species if available.

No information

Total # of lease holders/individuals employed (if available)?

No information

Harvest and Value (2020 unless otherwise noted)

Harvest and value of finfish aquaculture.

No information

Any farm gate value estimates of finfish aquaculture harvest? Separate by species if available.

[Table of Standard and Experimental Aquaculture Leases](#)

Maryland

Summary of the Status of Finfish Culture

Commercial finfish culture is not being permitted in coastal waters at this time (if it ever were, it would be native species only); finfish culture is limited to land operations and demonstration/experimental aquaculture of native/naturalized finfish in state waters. Use non-shellfish Aquaculture Permit unless department advises otherwise.

Tribal

N/A

Local Municipality

Any local municipality leasing/permitting authority? If so, who?

N/A

Local municipality website for finfish aquaculture leasing/permitting:

N/A

Local municipality application for finfish aquaculture leasing/permitting:

N/A

State Government

State lead agency for finfish aquaculture leasing/permitting:

Department of Natural Resources, Fisheries Service, Aquaculture and Industry Enhancement Division.

State agency contact(s) for finfish aquaculture leasing/permitting:

Karl Roscher (Director), karl.roscher@maryland.gov, 410-260-8313

State agency website(s) for aquaculture leasing/permitting:

[Maryland DNR: Non-Shellfish Aquaculture](#)

State finfish aquaculture leasing/permitting law(s):

- [MD Natural Resources Code Ann. § 4-11A](#)
- mgaleg.maryland.gov

State finfish aquaculture leasing/permitting regulation(s):

[COMAR Title 8 - primarily 08.02.14](#)

State application for finfish leasing/permitting:

- [DNR: Non-Shellfish Aquaculture](#) - Aquaculture Permit Application for educational/non-commercial purposes only
- [Aquaculture Permit](#)

U.S. Army Corps of Engineers

Corps District(s):

Baltimore

Corps contact(s) for finfish aquaculture permitting:

Beth Bachur, beth.bachur@usace.army.mil, 410-962-4336

Corps website for finfish aquaculture permitting:

[Maryland Permitting](#)

Corps permit for finfish aquaculture:

NWP 56 [regional conditions](#)

Corps permit expiration:

14-Mar-26

Corps application for finfish aquaculture permitting:

[PCN or IP form](#)

Is there a State/Federal Joint Permit Application (JPA)?

No

Is a Pre-Construction Notification (PCN) required?

PCN at minimum (if finfish were ever allowed by state)

Are there interagency meetings (state/federal)?

Yes, MD Aquaculture Review Board

Interagency Meeting Frequency:

Monthly

Applicant Guide/Tools

Is there a finfish aquaculture applicant guide book/information?

No

Process flowchart available?

No

Any siting tool(s) available to help applicants identify suitable lease sites and/or agency review of applications?

[Maryland Shellfish Aquaculture Siting Tool](#)

Is a pre-application meeting required, encouraged, not specified?

N/A

Application Fees

Any pre-determination meeting fee for applicants?

N/A

Finfish lease/permit application fee?

N/A

Is applicant fee returned if denied?

N/A

Corps Individual Permit fee

Yes, \$100.

Advertisement and Public Scoping

Is a public scoping meeting required by agency or applicant?

N/A

Summary of advertisement requirement of lease application by agency and/or applicant?

N/A

Who pays for advertisement?

N/A

Business/Operations Plan

Is a management or operations plan required with application?

Operations details provided if applying for demonstration/education aquaculture

Is a business plan required with application?

N/A

Lease Review/Approval Timeframe

Permit review/approval timeframe (best, worst, average) from time applicant applies to final issuance? Separate by state/Corps if needed, available.

No information

Lease Term and Conditions

Is a lease required?

N/A

Maximum term limit for lease?

5 years for aquaculture permit if applying for demonstration/education aquaculture

Are renewals available?

Yes

Any renewal fee?

No information

Is there an active use requirement? Any criteria to assess?

Failure to submit report or conduct planned activities can result in revocation of permit.

Is there a production report requirement?

Yes if applying for demonstration/education aquaculture

Frequency for providing production report?

Annually

Can a finfish aquaculture lease be transferred?

N/A

Is there a bid process for leases?

N/A

Any acreage limits?

N/A

Limits per site

N/A

Limits per person

N/A

Limits on number of lease sites a person can hold

N/A

Rental and Use Fees

Annual rental fee?

N/A

Any finfish aquaculture harvest surcharge? If so, what is it?

N/A

Other Fees

Other required fees/costs associated with obtaining a finfish aquaculture lease/permit?

N/A

Land surveyor/hydrographic survey

N/A

Lease markering responsibility

N/A

Biological assessment fee

N/A

Property tax

N/A

Present shellfish value assessment on proposed lease site?

N/A

Additional Information Sources

Other websites of interest:

N/A

Definitions

State definition of aquaculture:

"Aquaculture" means the commercial rearing of fish or aquatic plants for sale, trade, barter, or shipment.

Per regs: Aquaculture activity is the purchase, monitoring, bottom preparation, planting, sale, possession, harvest, production, breeding, transportation, and processing of shellfish in State waters on or in an area used for shellfish cultivation.

Any alternative names of a 'lease'?

N/A

Special Natural Resource and Social Permit Conditions

Any special Corps/State permitting conditions to address environmental/user conflicts (in addition to standard NWP 56 conditions)?

N/A

Protected Resources and Critical Habitat Designations

N/A

Essential Fish Habitat (EFH)

N/A

Navigation

N/A

Historic resources

N/A

Migratory Fish

N/A

Shellfish density threshold

N/A

Submerged aquatic vegetation (SAV)

N/A

Other natural resource protection measures?

N/A

Riparian setback

N/A

Social capacity

N/A

Finfish-Specific Measures of Protection

Do cultured species need to be native?

Native or naturalized

Rules for transport across state lines

Must maintain shipping and receiving records

Pathological inspections for fish and miscellaneous health requirements

Proper health certification needed

Contact in case of escape or disease outbreak

Contact Maryland DNR

Any other finfish rules or regulations to be aware of? (Genetic requirements, year-class stocking, etc.)

No information

Land-based Hatcheries

State agency/contact that regulates land-based hatchery permitting

[DNR](#)

Riparian Landowner Requirements

Any definition of what constitutes a riparian owner?

N/A

Any riparian owner notice requirement for lease applications?

N/A

Is applicant required to provide list of riparian owners to permitting agency?

N/A

Is any consent of riparian owner required? If so, under what condition?

N/A

Coastal Zone Management (CZM) Consistency Determination

N/A

Section 401 Water Quality Certification (WQC)

No information

Section 402/403 Pollution Control

NPDES Permit generally required if producing >20,000 lbs. cold water fish or >100,000 lbs. warm water fish, but varies by state. Required for discharge of pollutants to waters of United States (feed, nutrients, pharmaceuticals, antifouling agents, disinfectants, etc.) [See NPDES website.](#)

[MD Wastewater Permits Program](#)

Miscellaneous Questions

Any other license, permit and/or registration required for finfish aquaculture and other related activities (e.g. finfish import/nursery permits)? What are fees?

N/A

Any finfish aquaculture lease/permit holder training/exam requirement?

N/A

Are finfish aquaculture leases/permits restricted to residents only?

N/A

Annual Permit/Lease Application Activity (2020)

Average # of finfish lease applications/year (last 3-5 years)?

N/A

Number of complete finfish applications currently in review?

N/A

Total Number of Leases (2020 unless otherwise noted)

Total # of finfish leases.

N/A

Total acreage of finfish aquaculture leases. Separate by species if available.

N/A

Total # of lease holders/individuals employed (if available)?

N/A

Harvest and Value (2020 unless otherwise noted)

Harvest and value of finfish aquaculture.

N/A

Any farm gate value estimates of finfish aquaculture harvest? Separate by species if available.

N/A



Massachusetts

Summary of the Status of Finfish Culture

Finfish and seaweed do not have a good permit structure--they do not use the same framework as shellfish. Instead, they can be done via a general aquaculture application under Mass. DMF's Special Permit Application. No lease is involved.

Tribal

Corps mandates that must notify the Board of Underwater Archaeological Resources (BUAR) and applicable tribes/Tribal Historic Preservation Officers (THPOs). [Historic Property Notification Form \(Section X\)](#) recommended to make above notifications; contact information can be found in general permit.

Local Municipality

Any local municipality leasing/permitting authority? If so, who?

No information

Local municipality website for finfish aquaculture leasing/permitting:

No information

Local municipality application for finfish aquaculture leasing/permitting:

No information

State Government

State lead agency for finfish aquaculture leasing/permitting:

Department of Fish and Game, Division of Marine Fisheries (DMF) reviews Special Project permit application for aquaculture.

State agency contact(s) for finfish aquaculture leasing/permitting:

Chrissy Petitpas, christian.petitpas@mass.gov, 508-742-9766

State agency website(s) for aquaculture leasing/permitting:

[Division of Commercial Fisheries Special Permits](#)

State finfish aquaculture leasing/permitting law(s):

- M.G.L Chapter 130
- [M.G.L. Title XIX, Chapter 130, Sec. 17B](#)
- [M.G.L. Title XIX, Chapter 130, Sec. 83](#)
- Note bill in progress: [An Act Relative to a Marine Special Activity License Program](#)

State finfish aquaculture leasing/permitting regulation(s):

- [Title 322 CMR](#)
- [Finfish processing regs \(322-14\)](#)
- [Special Project Permit \(322-7, see 7.01\(4\)\(c\)\)](#)
- 322-15 is very shellfish-centric but is technically for general marine aquaculture; may provide some guidance on what to include in operations plan

State application for finfish leasing/permitting:

[Special License Application](#)

U.S. Army Corps of Engineers

Corps District(s):

New England

Corps contact(s) for finfish aquaculture permitting:

Christine Jacek, christine.m.jacek@usace.army.mil, 978-318-8026

Corps website for finfish aquaculture permitting:

[New England Regulatory/Permitting Division](#)

Corps permit for finfish aquaculture:

[Massachusetts General Permit](#) Activity 22
NWP 56 suspended in New England (4/13/2021).

Corps permit expiration:

5-Apr-23

Corps application for finfish aquaculture permitting:

PCN using ENG Form 4345: See Section VI of general permit for additional information that must be provided. Email application to cenae-r@usace.army.mil or to assigned project manager.

Is there a State/Federal Joint Permit Application (JPA)?

State forms **cannot** be substituted for Form 4345 but may be used supplementally.

Is a Pre-Construction Notification (PCN) required?

Yes, PCN is the minimum for kelp/finfish aquaculture.

Are there interagency meetings (state/federal)?

Yes

Interagency Meeting Frequency:

Yes, 1st and 3rd Thursdays (local municipalities do not attend).

Applicant Guide/Tools

Is there a finfish aquaculture applicant guide book/information?

No

Process flowchart available?

No

Any siting tool(s) available to help applicants identify suitable lease sites and/or agency review of applications?

Below links meant for shellfish aquaculture siting, but may help with eelgrass beds, etc.

[MA-ShellFAST Viewer](#)

From [mass.gov](#) (may not be supported for much longer due to move to AGOL):

- [OLIVER](#)
- [MORIS](#)

Is a pre-application meeting required, encouraged, not specified?

Encouraged

Application Fees

Any pre-determination meeting fee for applicants?

n/a

Finfish lease/permit application fee?

\$10 for residents, \$20 for non-residents

Is applicant fee returned if denied?

No information

Corps Individual Permit fee

Yes, \$100.

Advertisement and Public Scoping

Is a public scoping meeting required by agency or applicant?

No information

Summary of advertisement requirement of lease application by agency and/or applicant?

No information

Who pays for advertisement?

No information

Business/Operations Plan

Is a management or operations plan required with application?

Yes, detailed operations plan required for application

Is a business plan required with application?

Provided supply source any other detailed information relevant to application

Lease Review/Approval Timeframe

Permit review/approval timeframe (best, worst, average) from time applicant applies to final issuance? Separate by state/Corps if needed, available.

No information

Lease Term and Conditions

Is a lease required?

No

Maximum term limit for lease?

No information

Are renewals available?

No information

Any renewal fee?

No information

Is there an active use requirement? Any criteria to assess?

No information

Is there a production report requirement?

Yes

Frequency for providing production report?

Annual activities report

Can a finfish aquaculture lease be transferred?

No information

Is there a bid process for leases?

No information

Any acreage limits?

No information

Limits per site

No information

Limits per person

No information

Limits on number of lease sites a person can hold

No information

Rental and Use Fees

Annual rental fee?

No information

Any finfish aquaculture harvest surcharge? If so, what is it?

No information

Other Fees

Other required fees/costs associated with obtaining a finfish aquaculture lease/permit?

Additional fees if Chapter 91 waterways authorization required, if Wetlands Protection Act filings (NOI) required, or for MESA filings.

Land surveyor/hydrographic survey

No information

Lease markering responsibility

No information

Biological assessment fee

No information

Property tax

No information

Present shellfish value assessment on proposed lease site?

No information

Additional Information Sources

Other websites of interest:

No information

Definitions

State definition of aquaculture:

Farming of aquatic marine organisms including, but not limited to fish, mollusks, crustaceans, echinoderms and plants. Farming implies some sort of intervention in the rearing process to enhance production including, but not limited to controlled propagation, feeding, protection from predators, etc.

Any alternative names of a 'lease'?

N/A

Special Natural Resource and Social Permit Conditions

Any special Corps/State permitting conditions to address environmental/user conflicts (in addition to standard NWP 56 conditions)?

Any special conditions are assessed on a site and project-specific basis.

Protected Resources and Critical Habitat Designations

Variable; speak with your agency. May need to make adjustments to gear/longlines for protection of right whales/sea turtles. May need to submit bird deterrence plan to DMF.

Operations in Priority Habitats require MESA Review Filing.

Essential Fish Habitat (EFH)

The need for any special conditions is assessed on a site and project-specific basis.

Navigation

No unreasonable interference with navigation. If future U.S. operations require the removal, relocation, or other alteration of the structure or work, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, to remove, relocate, or alter the structural work or obstructions without expense to the U.S.

Historic resources

Historic Property Notification Form found on MA General Permit for notification of BUAR and THPOs.

Migratory Fish

The need for any special conditions is assessed on a site and project-specific basis.

Shellfish density threshold

No information

Submerged aquatic vegetation (SAV)

Variable, but note that state will not certify shellfish operations if <25 ft from eelgrass.

Other natural resource protection measures?

The need for any special conditions associated resource protection is assessed on a site and project-specific basis.

Riparian setback

No information

Social capacity

No information

Finfish-Specific Measures of Protection

Do cultured species need to be native?

IP required from Corps if non-native species were ever approved by state (which is a very unlikely case; MA guidelines generally specify requirements for indigenous species).

Rules for transport across state lines

Importation permit needed for live fish.

Pathological inspections for fish and miscellaneous health requirements

No information

Contact in case of escape or disease outbreak

No information

Any other finfish rules or regulations to be aware of? (Genetic requirements, year-class stocking, etc.)

322 CMR 14.01 and 14.02 have finfish-specific labeling requirements.

Land-based Hatcheries

State agency/contact that regulates land-based hatchery permitting

Division of Fisheries and Wildlife

[321 CMR 4.09](#)

Potentially get Class 3 Aquaculture License and/or Class 6 Dealer's License.

Riparian Landowner Requirements

Any definition of what constitutes a riparian owner?

No information

Any riparian owner notice requirement for lease applications?

No information

Is applicant required to provide list of riparian owners to permitting agency?

No information

Is any consent of riparian owner required? If so, under what condition?

No information

Coastal Zone Management (CZM) Consistency Determination

Individual application review required (Corps coordinates for PCNs).

Section 401 Water Quality Certification (WQC)

[Activity covered by state GP approved](#)

Section 402/403 Pollution Control

NPDES Permit (not always required)

Required for discharge of pollutants to waters of United States (feed, nutrients, pharmaceuticals, antifouling agents, disinfectants, etc.) [More info from NPDES website.](#)

If applicable discharge, need NPDES-issued permit:

[Massachusetts NPDES Forms](#)

Note applicable general permits (submit NOI)

Miscellaneous Questions

Any other license, permit and/or registration required for finfish aquaculture and other related activities (e.g. finfish import/nursery permits)? What are fees?

- Talk with your permitting agency about what licenses will be needed
- Possibly [Chapter 91 DEP](#) (\$330+)
- Possibly USCG PATON

Any finfish aquaculture lease/permit holder training/exam requirement?

No information

Are finfish aquaculture leases/permits restricted to residents only?

No, \$20 instead of \$10 for non-residents though

Annual Permit/Lease Application Activity (2020)

Average # of finfish lease applications/year (last 3-5 years)?

No information

Number of complete finfish applications currently in review?

No information

Total Number of Leases (2020 unless otherwise noted)

Total # of finfish leases.

No information

Total acreage of finfish aquaculture leases. Separate by species if available.

No information

Total # of lease holders/individuals employed (if available)?

No information

Harvest and Value (2020 unless otherwise noted)

Harvest and value of finfish aquaculture.

No information

Any farm gate value estimates of finfish aquaculture harvest? Separate by species if available.

No information

Mississippi

Summary of the Status of Finfish Culture

- Have not had finfish applications, but the aquaculture regulations do make reference to net pens (Title 22, Part 13 -- only true finfish resource). Finfish operations will likely use the same JPA with the Corps and would likely need a lease of some kind from the Secretary of State's Office (potentially a tidelands lease, but because net pens must be a minimum 2 miles offshore, this is unlikely). Because the process has not yet been done, only applicable details for the JPA have been added, with the details of the lease left open for a case-by-case evaluation. Familiarity with approved water areas advised.
- [Proposed changes to shellfish aquaculture regulatory structure \(2021\)](#): while the actual legislative text itself is in many cases remaining the same, changes to rules or permitting processes could occur.

Tribal

N/A

Local Municipality

Any local municipality leasing/permitting authority? If so, who?

N/A

Local municipality website for finfish aquaculture leasing/permitting:

N/A

Local municipality application for finfish aquaculture leasing/permitting:

N/A

State Government

State lead agency(ies) for finfish aquaculture leasing/permitting:

- Dept of Marine Resources, MS Commission on Marine Resources issues lease for shellfish operations, but Secretary of State's Office holds public lands (may be needed for non-shellfish leasing).
- Marine Fisheries Division issues aquaculture harvest permit.

State agency contact(s) for finfish aquaculture leasing/permitting:

- Trevor Moncrief, trevor.moncrief@dmr.ms.gov
- Willa Brantley, Wetlands Permitting Bureau Director, willa.brantley@dmr.ms.gov, 228-523-4108

State agency website(s) for aquaculture leasing/permitting:

- [DMR Finfish Bureau](#)
- [Public Lands](#)

State finfish aquaculture leasing/permitting law(s):

- [Mississippi Aquaculture Act of 1988](#) (79-22)
- Also see Title 49, Chapter 15
- [Authority to lease submerged lands](#) (29-1-107)

State finfish aquaculture leasing/permitting regulation(s):

- [22-13, Rules and Regulations for Aquaculture in the Marine Environment in the State of Mississippi](#)
- [Mississippi Title 22 Regulations](#)
- [Department of Agriculture Chapter 11, Guidelines for Aquaculture Activities](#)

State application for finfish leasing/permitting:

[IPA](#)

U.S. Army Corps of Engineers

Corps District(s):

Mobile and Vicksburg Districts

Corps contact(s) for finfish aquaculture permitting:

- Vicksburg District: Jennifer Mallar, 601-631-7071

- Mobile District: Don Mroczko, donald.e.mroczko@usace.army.mil, 251-690-3185

Corps website for finfish aquaculture permitting:

- [Mobile Nationwide Permits](#)
- [Vicksburg Nationwide Permit](#)

Corps permit for finfish aquaculture:

NWP 56 Regional conditions:

- [Vicksburg](#)
- [Mobile](#)

Corps permit expiration:

14-Mar-26

Corps application for finfish aquaculture permitting:

[JPA](#)

Is there a State/Federal Joint Permit Application (JPA)?

Yes, [JPA](#)

Is a Pre-Construction Notification (PCN) required?

Minimum PCN, but JPA serves as PCN in coastal counties.

Are there interagency meetings (state/federal)

Yes, it is part of the JPA process.

Interagency Meeting Frequency:

No information

Applicant Guide/Tools

Is there a finfish aquaculture applicant guide book/information?

No

Process flowchart available?

No

Any siting tool(s) available to help applicants identify suitable lease sites and/or agency review of applications?

No. Some very simple (and somewhat outdated) maps on [DMR website](#). Call listed numbers for more info.

Is a pre-application meeting required, encouraged, not specified?

Encouraged (necessary given unusual state of finfish).

Application Fees

Any pre-determination meeting fee for applicants?

No information

Finfish lease/permit application fee?

\$500 commercial application fee for JPA

Is applicant fee returned if denied?

No information

Corps Individual Permit fee

JPA includes both MDMR and USACE fee.

Advertisement and Public Scoping

Is a public scoping meeting required by agency or applicant?

No information

Summary of advertisement requirement of lease application by agency and/or applicant?

Public notice requirement.

Who pays for advertisement?

MDMR (though JPA may ask applicant to pay public notice fee).

Business/Operations Plan

Is a management or operations plan required with application?

Applications shall include a statement to demonstrate applicant's capability to conduct proposed activity.

Is a business plan required with application?

Yes

Lease Review/Approval Timeframe

Permit review/approval timeframe (best, worst, average) from time applicant applies to final issuance? Separate by state/Corps if needed, available.

No information

Lease Term and Conditions

Is a lease required?

Yes

Maximum term limit for lease?

Case-by-case, as leasing process is not established for non-shellfish. Speak with agency.

Are renewals available?

No information

Any renewal fee?

No information

Is there an active use requirement? Any criteria to assess?

No information

Is there a production report requirement?

Yes

Frequency for providing production report?

Monthly with additional annual written summary

Can a finfish aquaculture lease be transferred?

No information

Is there a bid process for leases?

No information

Any acreage limits?

Case-by-case, as leasing process is not established for non-shellfish. Speak with agency.

Limits per site

No information

Limits per person

No information

Limits on number of lease sites a person can hold

No information

Rental and Use Fees

Annual rental fee?

Case-by-case, as leasing process is not established for non-shellfish. Speak with agency.

Any finfish aquaculture harvest surcharge? If so, what is it?

No information

Other Fees

Other required fees/costs associated with obtaining a finfish aquaculture lease/permit?

Insurance/bond fee

Land surveyor/hydrographic survey

If requested in permit process, applicant submits with land survey by an approved surveyor along with application.

Lease markering responsibility

Applicant

Biological assessment fee

No information

Property tax

Applicant pays

Present shellfish value assessment on proposed lease site?

No information

Additional Information Sources

Other websites of interest:

No information

Definitions

State definition of aquaculture:

Any form of agriculture that includes the process of growing, farming, cultivating, and/or harvesting cultured aquatic products in marine or freshwaters and includes management by an aquaculturist.

Any alternative names of a 'lease'?

N/A

Special Natural Resource and Social Permit Conditions

Any special Corps/State permitting conditions to address environmental/user conflicts (in addition to standard NWP 56 conditions)?

Note that for shellfish operations (may have applicability): State regulation requires applicant to conduct pre-environmental assessment survey.

Protected Resources and Critical Habitat Designations

May not cause substantial negative impacts to habitats of special significance (e.g. ESA spp., public oyster reefs, nesting bird areas, sea turtle nesting areas.) Note that for shellfish operations (may have applicability): No leases within 1 mile of these habitats.

Essential Fish Habitat (EFH)

Standard

Navigation

Note that for shellfish operations (may have applicability): Must be > 0.5 mile away from centerline of FNC.

Historic resources

Standard

Migratory Fish

No information

Shellfish density threshold

Note that for shellfish operations (may have applicability): Areas defined as tonging reefs or natural reefs may not be leased.

Submerged aquatic vegetation (SAV)

Standard (can't cause substantial negative impact).

Other natural resource protection measures?

Non-lethal predator control, and predator control plan must be approved. See net pen regulations in [Title 22 Part 13](#) for other net pen-specific requirements.

Riparian setback

Net-pen operations shall not be located within 2 miles of the shoreline.

Social capacity

No information

Finfish-Specific Measures of Protection

Do cultured species need to be native?

Yes

Rules for transport across state lines

No information

Pathological inspections for fish and miscellaneous health requirements

All purchases of live fish must be accompanied by a USDA accredited veterinarian signed "Certificate of Veterinary Inspection" attesting to good health.

Contact in case of escape or disease outbreak

No information

Any other finfish rules or regulations to be aware of? (Genetic requirements, year-class stocking, etc.)

Must be in waters of sufficient depth; minimum clearance of 10 ft below bottom of net-pen system maintained at all times as measured at mean low water.

Land-based Hatcheries

State agency/contact that regulates land-based hatchery permitting

Mississippi Wildlife, Fisheries, and Parks

Riparian Landowner Requirements

Any definition of what constitutes a riparian owner?

- [MS Code § 49-15-9](#)
- 750 yards from shore or equidistance if shore to shore is <1,500 yards.

Any riparian owner notice requirement for lease applications?

JPA requires applicant to submit list of names and addresses with application. Adjacent property owners (those whose visual access to Coastal Wetlands could be reasonably expected to be impacted by the project) are notified by the State of the application.

Is applicant required to provide list of riparian owners to permitting agency?

Yes, see above.

Is any consent of riparian owner required? If so, under what condition?

Yes

Coastal Zone Management (CZM) Consistency Determination

- [Only granted outside of specific wetland areas](#)
- If in an area for which not granted, submit proposed project info directly to MDMR using JPA and include CZMA consistency determination.

Section 401 Water Quality Certification (WQC)

[Granted with conditions](#)

Section 402/403 Pollution Control

NPDES Permit generally required if producing >20,000 lbs. cold water fish or >100,000 lbs. warm water fish, but varies by state. Required for discharge of pollutants to waters of United States (feed, nutrients, pharmaceuticals, antifouling agents, disinfectants, etc.) [See NPDES website](#).

Note that MS' net pen requirements mandate that aquaculture operations must not discharge any waste materials whatsoever into surrounding waters, where waste materials include solids, debris, sanitary and kitchen wastes, oil, and grease, but exclude fouling organisms, the excrement of the cultured species, and commercially prepared feeds fed to them.

[MS NPDES Permits](#)

Miscellaneous Questions

Any other license, permit and/or registration required for finfish aquaculture and other related activities (e.g. finfish import/nursery permits)? What are fees?

- [Aquaculture harvest permit](#)
- USCG PATON

Any finfish aquaculture lease/permit holder training/exam requirement?

No information

Are finfish aquaculture leases/permits restricted to residents only?

No information

Annual Permit/Lease Application Activity (2020)

Average # of finfish lease applications/year (last 3-5 years)?

No information

Number of complete finfish applications currently in review?

No information

Total Number of Leases (2020 unless otherwise noted)

Total # of finfish leases.

No information

Total acreage of finfish aquaculture leases. Separate by species if available.

No information

Total # of lease holders/individuals employed (if available)?

No information

Harvest and Value (2020 unless otherwise noted)

Harvest and value of finfish aquaculture.

No information

Any farm gate value estimates of finfish aquaculture harvest? Separate by species if available.

No information

New Hampshire

Summary of the Status of Finfish Culture

Uses same rules and regulations as shellfish, but will require pen culture fees instead of bottom/suspended.

Tribal

No information

Local Municipality

Any local municipality leasing/permitting authority? If so, who?

No information

Local municipality website for finfish aquaculture leasing/permitting:

No information

Local municipality application for finfish aquaculture leasing/permitting:

No information

State Government

State lead agency for finfish aquaculture leasing/permitting:

Department of Fish and Game

State agency contact(s) for finfish aquaculture leasing/permitting:

Robert Atwood, robert.atwood@wildlife.nh.gov, 603-868-1095

State agency website(s) for aquaculture leasing/permitting:

[Fish and Game: Marine Resources](#)

State finfish aquaculture leasing/permitting law(s):

[Title XVIII, Section 211:62-e, Aquaculture](#)

State finfish aquaculture leasing/permitting regulation(s):

[Chapter Fis 800 \(The Importation, Possession, and Use of all Wildlife\), Section 807](#)

State application for finfish leasing/permitting:

Each applicant for a marine aquaculture license under RSA 211:62-e shall make an application as described in [Fis 807.07\(b\)](#) in writing to the executive director.

U.S. Army Corps of Engineers

Corps District(s):

New England

Corps contact(s) for finfish aquaculture permitting:

Richard Kristoff, richard.c.kristoff@usace.army.mil

Corps website for finfish aquaculture permitting:

[New England Regulatory/Permitting Division](#)

Corps permit for finfish aquaculture:

[New Hampshire General Permit](#) Activity 16:

NWP 56 suspended in New England (4/13/2021).

Corps permit expiration:

18-Aug-22

Corps application for finfish aquaculture permitting:

- Use F&G app for PGP. Details in [GP](#)
- Also submit [historical form](#)

Is there a State/Federal Joint Permit Application (JPA)?

Applicants use NH F&G application for activities which fall under the PGP, send to NHDES Wetlands Bureau.

Is a Pre-Construction Notification (PCN) required?

General permit is silent on finfish, so IP almost certainly required for finfish culture. Corps reviews projects according to State of NH classifications of minimal, minor and major impact projects.

Are there interagency meetings (state/federal)?

Yearly meetings among state agencies to discuss Vibrio concerns/importation of shellfish seed (F&G, DES, HHS).

Interagency Meeting Frequency:

Annually

Applicant Guide/Tools

Is there a finfish aquaculture applicant guide book/information?

Application procedure outline in [Fis 807.07](#)

Process flowchart available?

No

Any siting tool(s) available to help applicants identify suitable lease sites and/or agency review of applications?

Can meet with staff to discuss areas of interest (they can coordinate with other agencies to identify if the area has concerns).

Is a pre-application meeting required, encouraged, not specified?

Encouraged

Application Fees

Any pre-determination meeting fee for applicants?

n/a

Finfish lease/permit application fee?

\$200

Is applicant fee returned if denied?

Non-refundable

Corps Individual Permit fee

Yes, \$100.

Advertisement and Public Scoping

Is a public scoping meeting required by agency or applicant?

No public scoping but public hearing required.

Summary of advertisement requirement of lease application by agency and/or applicant?

Agency pays for public hearing. Applicant responsible for sending notice of hearing to abutters and littoral owners and notice of hearing and application to other state and federal agencies.

Who pays for advertisement?

Agency (hearing, newspaper) and applicant (notice to landowners, other agencies).

Business/Operations Plan

Is a management or operations plan required with application?

Describe methodology in application.

Is a business plan required with application?

N/A

Lease Review/Approval Timeframe

Permit review/approval timeframe (best, worst, average) from time applicant applies to final issuance? Separate by state/Corps if needed, available.

Depends on area.

Lease Term and Conditions

Is a lease required?

No

Maximum term limit for lease?

1 to 5-year license, no leases

Are renewals available?

Yes

Any renewal fee?

\$100 in addition to annual rental fee applies.

Is there an active use requirement? Any criteria to assess?

No

Is there a production report requirement?

Yes.

Frequency for providing production report?

By the 10th of each month with an additional annual report by Jan. 31.

Can a finfish aquaculture lease be transferred?

Yes.

Is there a bid process for leases?

No.

Any acreage limits?

No

Limits per site

No limits

Limits per person

No limits

Limits on number of lease sites a person can hold

No limits

Rental and Use Fees

Annual rental fee?

Not a true rental, but annual license fee required: \$750/acre for pen culture.

Any finfish aquaculture harvest surcharge? If so, what is it?

No

Other Fees

Other required fees/costs associated with obtaining a finfish aquaculture lease/permit?

No

Land surveyor/hydrographic survey

Agency conducts site evaluation.

Lease markering responsibility

Applicant

Biological assessment fee

N/A

Property tax

No

Present shellfish value assessment on proposed lease site?

No, site would be denied if shellfish bed(s) were present.

Additional Information Sources

Other websites of interest:

- [NH Nature Conservancy SOAR program](#)

Definitions

State definition of aquaculture:

"Aquaculture" means the propagation and rearing of aquatic species and marine species and includes the planting, promoting of growth, harvesting and transporting of these species in, on, or from the waters of this state, or the operation of a fishing preserve.

Any alternative names of a 'lease'?

Does not assign property 'right.' Issues a license. Gear is protected by law, but marine space is a public resource.

Special Natural Resource and Social Permit Conditions

Any special Corps/State permitting conditions to address environmental/user conflicts (in addition to standard NWP 56 conditions)?

License may be revoked if conditions not followed or executive director believes license is against public interest.

Protected Resources and Critical Habitat Designations

Standard (see NH GP)

Essential Fish Habitat (EFH)

Standard (see NH GP)

Navigation

No unreasonable interference with navigation. Any structure or work that extends closer to the horizontal limits of a FNP than a distance 3x the authorized depth shall be subject to removal at the owner's expense prior to any Corps dredging or performance of any hydrographic surveys.

Historic resources

Historic resources [review request form](#) available.

Migratory Fish

Water column projects blocking >25% of a critical migratory fish route do not qualify for PGP.

Shellfish density threshold

Projects proposing to fill or dredge in a delineated shellfish bed do not qualify for PGP.

Submerged aquatic vegetation (SAV)

Standard. While finfish is not bottom culture, be wary of impacts - state guidelines: No bottom culture shall be allowed where eel grass (*Zostera marina*) occurs in contiguous beds of 1/20 of an acre. All such eelgrass must be separated from any bottom culture operation by a 10 meter buffer zone.

Other natural resource protection measures?

Standard. While finfish is not bottom culture, be wary of impacts. State guidelines: No bottom culture should be allowed where high density benthic invertebrates exist that are important food sources for commercially or recreationally valuable finfish. Examples of such concentrations are provided. No bottom culture should be allowed in areas shown to be important for spawning of commercially or recreationally valuable species. An example of this would be an area where rainbow smelt deposit their eggs.

Riparian setback

No information

Social capacity

N/A

Finfish-Specific Measures of Protection**Do cultured species need to be native?**

[Section 803](#) describes controlled and prohibited species, though further restrictions may be placed for a marine operation.

Rules for transport across state lines

[Section 803](#) describes permit requirements for importing controlled species.

Pathological inspections for fish and miscellaneous health requirements

Inspections must be conducted annually by a licensed veterinarian; see [Fis 803.09](#).

Contact in case of escape or disease outbreak

No information

Any other finfish rules or regulations to be aware of? (Genetic requirements, year-class stocking, etc.)

No information

Land-based Hatcheries

State agency/contact that regulates land-based hatchery permitting

See Inland Aquaculture as regulated by Fish and Game, [Fis 807.03](#).

Riparian Landowner Requirements

Any definition of what constitutes a riparian owner?

- Abutter: any person whose property adjoins or is directly across a right of way from the site.
- Littoral owner: a shore front property owner who owns to the high water mark or other public/private boundary and whose property boundaries abut the site.

Any riparian owner notice requirement for lease applications?

Applicant shall send written notice to abutters and littoral owners at least 21 days prior to agency hearing.

Is applicant required to provide list of riparian owners to permitting agency?

Yes, all abutters and littoral owners.

Is any consent of riparian owner required? If so, under what condition?

Application requires a written statement that the applicant either owns or has written permission from the owner(s) to exercise any littoral right, necessary to carry out the proposed project.

Coastal Zone Management (CZM) Consistency Determination

No information

Section 401 Water Quality Certification (WQC)

[Activities covered by state GP approved](#)

Section 402/403 Pollution Control

NPDES Permit (not always required)

Required for discharge of pollutants to waters of United States (feed, nutrients, pharmaceuticals, antifouling agents, disinfectants, etc.) [More info from NPDES website.](#)

If there is going to be a point discharge of pollution to waters of US: [NPDES Permit Application Forms 1 and 2B](#). If a relevant General Permit is in effect, a Notice of Intent (NOI) form should be used.

For more info (and to see if you need an NPDES permit), [see state contacts](#)

Miscellaneous Questions

Any other license, permit and/or registration required for finfish aquaculture and other related activities (e.g. finfish import/nursery permits)? What are fees?

- See information in leasing section above. Annual license: \$750 for pen culture
- [Permit to Import Wildlife as described in Fis 803.05](#)
- USCG PATON/coordination with CG

Any finfish aquaculture lease/permit holder training/exam requirement?

No.

Are finfish aquaculture leases/permits restricted to residents only?

No.

Annual Permit/Lease Application Activity (2020)

Average # of finfish lease applications/year (last 3-5 years)?

No information

Number of complete finfish applications currently in review?

No information

Total Number of Leases (2020 unless otherwise noted)

Total # of finfish leases.

No information

Total acreage of finfish aquaculture leases. Separate by species if available.

No information

Total # of lease holders/individuals employed (if available)?

No information

Harvest and Value (2020 unless otherwise noted)

Harvest and value of finfish aquaculture.

No information

Any farm gate value estimates of finfish aquaculture harvest? Separate by species if available.

No information

New Jersey

Summary of the Status of Finfish Culture

There is no outright prohibition on finfish or seaweed culture in state waters. To permit these (for native species), complete two processes in conjunction with one another:

1. Get a Waterfront Development Individual Permit for the gear, the fish/seaweed, or anything else occupying the physical space. This involves a lengthier public notification process than shellfish leasing does.
2. Get a tidelands instrument of some kind for your designated space (this is different than a shellfish lease and is more comparable to the tidelands license used for shellfish). This involves upland owner notification and discussion with resource council/public meetings.

USACE and other agencies (such as fisheries administration in DEP) will assess species, check the natural resources, review stocks, etc. to approve permitting.

Fees, acreage, and similar specifics are subject to case-by-case discretion. New Jersey Coastal Management Program is interested in exploring possibility for finfish & seaweed aquaculture.

Tribal

N/A

Local Municipality

Any local municipality leasing/permitting authority? If so, who?

N/A

Local municipality website for finfish aquaculture leasing/permitting:

N/A

Local municipality application for finfish aquaculture leasing/permitting:

N/A

State Government

State lead agency for finfish aquaculture leasing/permitting:

- Department of Agriculture, Office of Aquaculture Coordination handles.
- Permits and/or a Tidelands License may also be required from the NJDEP's Division of Land Resource Protection.
- DEP's fisheries administration may assist in review.

State agency contact(s) for finfish aquaculture leasing/permitting:

- Amanda Wenczel, amanda.wenczel@ag.state.nj.us, 609-984-2502

State agency website(s) for aquaculture leasing/permitting:

- [Office of Aquaculture Coordination](#)
- [Division of Lands Resource Protection](#)

State finfish aquaculture leasing/permitting law(s):

- NJAA 4:27, sections 1-24; New Jersey Aquaculture Development Act
- [Department of State, Statutes and Rules](#)

State finfish aquaculture leasing/permitting regulation(s):

- [NJAC 2:89](#), Aquaculture Development
- [Department of State, Statutes and Rules](#)

State application for finfish leasing/permitting:

Aquatic Farmer License described in Appendix A of NJAC 2:89

U.S. Army Corps of Engineers

Corps District(s):

New York and Philadelphia

Corps contact(s) for finfish aquaculture permitting:

- NY: 917-790-8007
- [Philadelphia District Contacts](#)

Corps website for finfish aquaculture permitting:

- [NY Nationwide Permits](#)
- [Philadelphia Nationwide Permits](#)

Corps permit for finfish aquaculture:

Both Districts use NWP 56 with regional conditions:

- [NY Nationwide Permits](#)
- [Philadelphia Nationwide Permits](#)

Corps permit expiration:

14-Mar-26

Corps application for finfish aquaculture permitting:

- [NY District Forms](#)
- [Philadelphia District Forms](#)

Is there a State/Federal Joint Permit Application (JPA)?

No. Corps and DEP don't coordinate review of applications.

Is a Pre-Construction Notification (PCN) required?

Yes, PCN at minimum.

Are there interagency meetings (state/federal)?

State and Federal agencies meet on a case by case basis for joint permit planning meetings, but the applicant sends information directly to Corps separately from the State permitting process.

Interagency Meeting Frequency:

N/A

Applicant Guide/Tools

Is there a finfish aquaculture applicant guide book/information?

Old guidebook with some mention of seaweed and freshwater fish: [Guide to Developing Aquaculture in New Jersey \(2003\)](#)

Process flowchart available?

No

Any siting tool(s) available to help applicants identify suitable lease sites and/or agency review of applications?

DEP is working with Rutgers University on a project to develop a GIS-based commercial aquaculture siting tool.

Is a pre-application meeting required, encouraged, not specified?

Highly encouraged.

Application Fees

Any pre-determination meeting fee for applicants?

No

Finfish lease/permit application fee?

Waterfront Individual Development permit fee may not exceed \$30,000; \$3,000/acre impacted for waterward projects.

Is applicant fee returned if denied?

No information

Corps Individual Permit fee

Yes, \$100.

Advertisement and Public Scoping

Is a public scoping meeting required by agency or applicant?

No information

Summary of advertisement requirement of lease application by agency and/or applicant?

Significant public advertisement requirements

Who pays for advertisement?

No information

Business/Operations Plan

Is a management or operations plan required with application?

Yes

Is a business plan required with application?

No information

Lease Review/Approval Timeframe

Is a lease required?

No information

Permit review/approval timeframe (best, worst, average) from time applicant applies to final issuance? Separate by state/Corps if needed, available.

No information

Lease Term and Conditions

Maximum term limit for lease?

No information

Are renewals available?

Yes

Any renewal fee?

No information

Is there an active use requirement? Any criteria to assess?

No information

Is there a production report requirement?

No information

Frequency for providing production report?

No information

Can a finfish aquaculture lease be transferred?

Yes

Is there a bid process for leases?

No information

Any acreage limits?

Subject to agency discretion

Limits per site

See above

Limits per person

See above

Limits on number of lease sites a person can hold

See above

Rental and Use Fees

Annual rental fee?

Subject to agency discretion

Any finfish aquaculture harvest surcharge? If so, what is it?

No information

Other Fees

Other required fees/costs associated with obtaining a finfish aquaculture lease/permit?

No information

Land surveyor/hydrographic survey

Property survey required for Tidelands Instruments

Lease markering responsibility

No information

Biological assessment fee

No information

Property tax

No information

Present shellfish value assessment on proposed lease site?

No information

Additional Information Sources

Other websites of interest:

- [Aquaculture RMPs](#) from Rutgers
- [New Jersey Coastal Management Program Section 309 Assessment and Strategy 2021-2025](#)

Definitions

State definition of aquaculture:

The propagation, rearing, and subsequent harvesting of aquatic organisms in controlled or selected environments, and the subsequent processing, packaging and marketing, and shall include, but need not be limited to, activities to intervene in the rearing process to increase production such as stocking, feeding, transplanting and providing for protection from predators. "Aquaculture" shall not include the construction of facilities and appurtenant structures that might otherwise be regulated pursuant to any State or federal law or regulation (Statute 4:27-3).

Any alternative names of a 'lease'?

No information

Special Natural Resource and Social Permit Conditions

Any special Corps/State permitting conditions to address environmental/user conflicts (in addition to standard NWP 56 conditions)?

No information

Protected Resources and Critical Habitat Designations

No information

Essential Fish Habitat (EFH)

No information

Navigation

No information

Historic resources

No information

Migratory Fish

No information

Shellfish density threshold

No information

Submerged aquatic vegetation (SAV)

No information

Other natural resource protection measures?

No information

Riparian setback

No information

Social capacity

No information

Finfish-Specific Measures of Protection

Do cultured species need to be native?

Yes

Rules for transport across state lines

[Need health certificate with imports of finfish](#)

Pathological inspections for fish and miscellaneous health requirements

[Need health certificate with imports of finfish](#)

Contact in case of escape or disease outbreak

Notify NJDA within 48 hours for disease

Any other finfish rules or regulations to be aware of? (Genetic requirements, year-class stocking, etc.)

Only commercial raised (cultured) striped bass may be sold in New Jersey; no wild-caught.

Land-based Hatcheries

State agency/contact that regulates land-based hatchery permitting

- [Division of Fish and Wildlife Freshwater Fisheries Permits](#)
- Hatcheries regulated in NJAC 7:26-6.26

Riparian Landowner Requirements

Any definition of what constitutes a riparian owner?

No information

Any riparian owner notice requirement for lease applications?

Yes, 6-month notification period

Is applicant required to provide list of riparian owners to permitting agency?

No information

Is any consent of riparian owner required? If so, under what condition?

Consent generally needed, but Tidelands Resource Council have the ability approve without.

Coastal Zone Management (CZM) Consistency Determination

- NY District has a [NJ Coastal Zone consistency form](#) for applicant.

Section 401 Water Quality Certification (WQC)

New Jersey denied CZMA certification and Section 401 water quality certification for all ACOE Nationwide Permits. Therefore, prior to applying for a Nationwide Permit or for the Nationwide Permit to be considered valid, the activity must be authorized under a waterfront development permit and Water Quality Certificate issued by the NJDEP. The waterfront development permit is the CZMA consistency certification and water quality certificate.

Section 402/403 Pollution Control

NPDES Permit generally required if producing >20,000 lbs. cold water fish or >100,000 lbs. warm water fish, but varies by state. Required for discharge of pollutants to waters of United States (feed, nutrients, pharmaceuticals, antifouling agents, disinfectants, etc.) [See NPDES website](#).

NJPDES permit needed if point discharge; fees apply; however, check with govt., as some exemptions from this requirement exist.

[NJPDES Permit Program](#)

Miscellaneous Questions

Any other license, permit and/or registration required for finfish aquaculture and other related activities (e.g. finfish import/nursery permits)? What are fees?

Aquatic Farmer License every five years (NJAC 2:89)

Any finfish aquaculture lease/permit holder training/exam requirement?

No information

Are finfish aquaculture leases/permits restricted to residents only?

No information

Annual Permit/Lease Application Activity (2020)

Average # of finfish lease applications/year (last 3-5 years)?

No information

Number of complete finfish applications currently in review?

No information

Total Number of Leases (2020 unless otherwise noted)

Total # of finfish leases.

- 2 combined finfish & aquatic plant

Total acreage of finfish aquaculture leases. Separate by species if available.

No information

Total # of lease holders/individuals employed (if available)?

No information

Harvest and Value (2020 unless otherwise noted)

Harvest and value of finfish aquaculture.

No information

Any farm gate value estimates of finfish aquaculture harvest? Separate by species if available.

No information

New York

Summary of the Status of Finfish Culture

- Finfish culture is technically possible but does not have a strong historic basis. Only one net pen permit has been done (in the 1990's) and was later transferred to another party; did not last particularly long.
- If attempting finfish culture, it would use the same on/off-bottom culture permit as shellfish permitting. The previous net pen permits got water column leases from the State Office of General Services.
- Suffolk County was required to prepare a generic EIS to comply with SEQA.

Tribal

No information

Local Municipality

Any local municipality leasing/permitting authority? If so, who?

No information

Local municipality website for finfish aquaculture leasing/permitting:

No information

Local municipality application for finfish aquaculture leasing/permitting:

No information

State Government

State lead agency for finfish aquaculture leasing/permitting:

- Department of Environmental Conservation, Division of Marine Resources (NYSDEC) handles farm permitting process.
- State Office of General Service issues water column lease.

State agency contact(s) for finfish aquaculture leasing/permitting:

- Jennifer O'Dwyer, jennifer.odwyer@dec.ny.gov, 631-444-0489

State agency website(s) for aquaculture leasing/permitting:

[NYSDEC: Aquaculture Permits](#)

State finfish aquaculture leasing/permitting law(s):

- [ENV Article 13, Title 3 \(Marine Fisheries\)](#)
- [New York Statutes](#)

State finfish aquaculture leasing/permitting regulation(s):

- [6 CRR-NY I F 48: Marine Hatcheries, On-Bottom and Off-Bottom Culture of Marine Plant and Animal Life](#)
- [Lands Underwater: Grants, Easements, Leases, Permits](#)

State application for finfish leasing/permitting:

- [On/Off-Bottom Culture Permit](#)
- [Corps JPA](#)

U.S. Army Corps of Engineers

Corps District(s):

New York

Corps contact(s) for finfish aquaculture permitting:

cenan-r-permit-app@usace.army.mil, 917-790-8511

Corps website for finfish aquaculture permitting:

[NY Nationwide Permits](#)

Corps permit for finfish aquaculture:

- [NWP 56](#)
- [Regional Conditions](#)

Corps permit expiration:

14-Mar-26

Corps application for finfish aquaculture permitting:

See "[Joint Application for Permit](#)"

Is there a State/Federal Joint Permit Application (JPA)?

Yes, see "[Joint Application for Permit](#)"

Is a Pre-Construction Notification (PCN) required?

PCN required at minimum.

Are there interagency meetings (state/federal)?

State & County/Town Meetings.

Interagency Meeting Frequency:

1-2 times annually.

Applicant Guide/Tools

Is there a finfish aquaculture applicant guide book/information?

- State/Corps [lease application instruction form](#)

Process flowchart available?

No information

Any siting tool(s) available to help applicants identify suitable lease sites and/or agency review of applications?

While a [siting tool](#) exists, it does not cover finfish sites in New York; it may still prove useful for identifying SAV areas or similar boundaries.

Is a pre-application meeting required, encouraged, not specified?

Available for NYSDEC if desired.

Application Fees

Any pre-determination meeting fee for applicants?

N/A

Finfish lease/permit application fee?

NYSDEC: On/Off-Bottom Culture permit: \$100

Is applicant fee returned if denied?

No information

Corps Individual Permit fee

Yes, \$100.

Advertisement and Public Scoping

Is a public scoping meeting required by agency or applicant?

No information

Summary of advertisement requirement of lease application by agency and/or applicant?

No information

Who pays for advertisement?

No information

Business/Operations Plan

Is a management or operations plan required with application?

Yes, cultivation/operational plan required by state.

Is a business plan required with application?

Business entities must demonstrate "active" status in good standing.

Lease Review/Approval Timeframe

Permit review/approval timeframe (best, worst, average) from time applicant applies to final issuance? Separate by state/Corps if needed, available.

NYSDEC permitting time frame generally contingent on access (Suffolk Co., Towns) and other permitting agency timeframes (USACE).

Lease Term and Conditions

Is a lease required?

Past net pens used a water column lease from State Office of General Services.

Maximum term limit for lease?

No information

Are renewals available?

No information

Any renewal fee?

NYSDEC: On/Off-Bottom Culture permit: \$100

Is there an active use requirement? Any criteria to assess?

Not for NYSDEC permits, but may be local requirements.

Is there a production report requirement?

Yes, report to NYSDEC

Frequency for providing production report?

State: Monthly

Can a finfish aquaculture lease be transferred?

State: Franchises not transferable (sec. 13-0303)

Is there a bid process for leases?

No information

Any acreage limits?

No information

Limits per site

No information

Limits per person

No information

Limits on number of lease sites a person can hold

No information

Rental and Use Fees

Annual rental fee?

No information

Any finfish aquaculture harvest surcharge? If so, what is it?

No information

Other Fees

Other required fees/costs associated with obtaining a finfish aquaculture lease/permit?

NYSDEC: No

Land surveyor/hydrographic survey

NYSDEC: No

Lease markering responsibility

Applicant

Biological assessment fee

Applicant, if applicable. May be required by Town/NYSDEC/USACE for shallow sites <6 ft MLW

Property tax

No

Present shellfish value assessment on proposed lease site?

No

Additional Information Sources

Other websites of interest:

No information

Definitions

State definition of aquaculture:

Culture or cultivation means the controlled or partially controlled raising, breeding, growing, planting and containment of marine plant or animal life in any marine hatchery or through on-bottom or off-bottom culture.

Any alternative names of a 'lease'?

Grant or legal control (state waters)

Special Natural Resource and Social Permit Conditions

Any special Corps/State permitting conditions to address environmental/user conflicts (in addition to standard NWP 56 conditions)?

- State/Suffolk County EIS may be required.
- Note that for shellfish cases, bird deterrents and lighted buoys/markers (and thus, USCG PATON permits) for floating cages or other floating gear/infrastructure.
- In historic net pen cases, pens were permitted in phased stages of implementation (e.g. can only start with 25,000 fish for a certain period, upgrading number later if successful).

Protected Resources and Critical Habitat Designations

Corps provides an incident reporting form for sea turtles and other protected species. [More information.](#)

Essential Fish Habitat (EFH)

See above

Navigation

Typically 100 ft setback from FNPs.

Historic resources

Some areas in Long Island Sound may be off limits for siting due to historic shellfish (hard clams, oysters, surf clams) productivity (based on shellfish NYSDEC Temporary Marine Area Use Assignments (TMAUA) program guidance).

Migratory Fish

No information

Shellfish density threshold

While not explicitly described for finfish, note that for shellfish leasing programs, state and Suffolk waters cannot be leased in the "presence of shellfish in sufficient quantity and quality and so located as to support significant hand raking or tonging harvesting" (Article 13, Title 3, Sec. 13-0301, 13-0302).

Submerged aquatic vegetation (SAV)

Corps regional condition does not authorize lease within SAV if project is in EFH area.

Note that for shellfish, benthic survey requirement for new sites in Town access programs <6 ft MLW.

Other natural resource protection measures?

[More information and conditions from USACE](#)

Riparian setback

No information

Social capacity

No information

Finfish-Specific Measures of Protection

Do cultured species need to be native?

Yes, wouldn't permit non-native net pen species.

Rules for transport across state lines

[Importation permit](#) (same process as with shellfish)

Pathological inspections for fish and miscellaneous health requirements

Pathology report required

Contact in case of escape or disease outbreak

No information

Any other finfish rules or regulations to be aware of? (Genetic requirements, year-class stocking, etc.)

In historic net pen cases, pens were permitted in phased stages of implementation (e.g. can only start with 25,000 fish for a certain period, upgrading number later if successful).

Land-based Hatcheries

State agency/contact that regulates land-based hatchery permitting

[NYSDEC still manages](#)

Riparian Landowner Requirements

Any definition of what constitutes a riparian owner?

NYSDEC: not in mariculture laws or regulations

Any riparian owner notice requirement for lease applications?

No information

Is applicant required to provide list of riparian owners to permitting agency?

Provide names and addresses in [Corps Environmental Questionnaire](#) that goes with Joint State/Corps application.

Is any consent of riparian owner required? If so, under what condition?

No information

Coastal Zone Management (CZM) Consistency Determination

- [NYSDOS reviews all apps for CZM consistency with NWP 56.](#)
- Federal [consistency assessment form](#) to comply with state CZM

Section 401 Water Quality Certification (WQC)

No information

Section 402/403 Pollution Control

Generally required if producing >20,000 lbs. cold water fish or >100,000 lbs. warm water fish, but varies by state. Required for discharge of pollutants to waters of United States (feed, nutrients, pharmaceuticals, antifouling agents, disinfectants, etc.) [See NPDES website.](#)

[SPDES Permit Program](#)

Miscellaneous Questions

Any other license, permit and/or registration required for finfish aquaculture and other related activities (e.g. finfish import/nursery permits)? What are fees?

- [NY DEC \\$100 annual culture permit](#)
- USACE JPA
- Federal Consistency Assessment Form
- USCG PATON
- SEAF 1
- Importation permit, no fee

Any finfish aquaculture lease/permit holder training/exam requirement?

No information

Are finfish aquaculture leases/permits restricted to residents only?

No

Annual Permit/Lease Application Activity (2020)

Average # of finfish lease applications/year (last 3-5 years)?

0

Number of complete finfish applications currently in review?

0

Total Number of Leases (2020 unless otherwise noted)

Total # of finfish leases.

0

Total acreage of finfish aquaculture leases. Separate by species if available.

0

Total # of lease holders/individuals employed (if available)?

0

Harvest and Value (2020 unless otherwise noted)

Harvest and value of finfish aquaculture.

No information

Any farm gate value estimates of finfish aquaculture harvest? Separate by species if available.

No information

North Carolina***Summary of the Status of Finfish Culture***

Potentially could create a non-shellfish farm on a case-by-case basis, subject to discussion. Finfish and seaweed culture have not been conducted in NC yet. In 2017, a law was passed that included non-shellfish leases, but it did not give authority to develop rules, so no implementation rules have been put down. While agencies have begun planning for finfish, because it hasn't been done, nothing concrete can be set up between the several agencies involved until somebody applies. Details listed are those found in (1) Army Corps rules or (2) those found in the Article 16A Marine Aquaculture statutes. However, again note that formal regulations have not been promulgated, so these may be subject to change.

Tribal

No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights. Any work on Eastern Band of

Cherokee Indians trust land must comply with MOU between Corps and EBCI. May need a Tribal Approval Letter.

Local Municipality

Any local municipality leasing/permitting authority? If so, who?

No information

Local municipality website for finfish aquaculture leasing/permitting:

No information

Local municipality application for finfish aquaculture leasing/permitting:

No information

State Government

State lead agency for finfish aquaculture leasing/permitting:

Department of Environmental Quality, Marine Fisheries Division, Habitat and Enhancement Section

State agency contact(s) for finfish aquaculture leasing/permitting:

Jacob Boyd, jacob.boyd@ncdenr.gov, 252-808-8046

State agency website(s) for aquaculture leasing/permitting:

[NCDEQ Shellfish Lease and Franchise](#)

State finfish aquaculture leasing/permitting law(s):

[Chapter 113, Article 16A \(Marine Aquaculture\)](#)

State finfish aquaculture leasing/permitting regulation(s):

No information

State application for finfish leasing/permitting:

No information

U.S. Army Corps of Engineers

Corps District(s):

Wilmington

Corps contact(s) for finfish aquaculture permitting:

910-251-4625

Corps website for finfish aquaculture permitting:

[Wilmington Corps Permits](#)

Corps permit for finfish aquaculture:

NWP 56 [regional conditions](#)

Corps permit expiration:

14-Mar-26

Corps application for finfish aquaculture permitting:

PCN Form ENG 6082 or [PCN e-version](#) (preferred)

Is there a State/Federal Joint Permit Application (JPA)?

No

Is a Pre-Construction Notification (PCN) required?

PCN required at minimum

Are there interagency meetings (state/federal)?

No information

Interagency Meeting Frequency:

No information

Applicant Guide/Tools

Is there a finfish aquaculture applicant guide book/information?

No

Process flowchart available?

No information

Any siting tool(s) available to help applicants identify suitable lease sites and/or agency review of applications?

A [shellfish siting tool](#) that may still be useful

Is a pre-application meeting required, encouraged, not specified?

No information

Application Fees

Any pre-determination meeting fee for applicants?

No information

Finfish lease/permit application fee?

\$200

Is applicant fee returned if denied?

No information

Corps Individual Permit fee

Yes, \$100.

Advertisement and Public Scoping

Is a public scoping meeting required by agency or applicant?

Public hearing required

Summary of advertisement requirement of lease application by agency and/or applicant?

Two notices of intention published in newspaper, with first at least 20 days before hearing and second 7-11 days after the first.

Who pays for advertisement?

No information

Business/Operations Plan

Is a management or operations plan required with application?

No information

Is a business plan required with application?

No information

Lease Review/Approval Timeframe

Permit review/approval timeframe (best, worst, average) from time applicant applies to final issuance? Separate by state/Corps if needed, available.

No information

Lease Term and Conditions

Is a lease required?

Yes

Maximum term limit for lease?

20 years

Are renewals available?

Yes.

Any renewal fee?

\$100

Is there an active use requirement? Any criteria to assess?

Lease can be revoked if it is not utilized on a continuing basis for marine aquaculture purposes.

Is there a production report requirement?

No information

Frequency for providing production report?

No information

Can a finfish aquaculture lease be transferred?

Yes

Is there a bid process for leases?

No

Any acreage limits?

Yes

Limits per site

100 acres

Limits per person

1,500 acres

Limits on number of lease sites a person can hold

No information

Rental and Use Fees

Annual rental fee?

\$210/acre/year

Any finfish aquaculture harvest surcharge? If so, what is it?

No information

Other Fees

Other required fees/costs associated with obtaining a finfish aquaculture lease/permit?

No information

Land surveyor/hydrographic survey

Applicant must provide map of area to be leased subject to standards.

Lease markering responsibility

Applicant

Biological assessment fee

No information

Property tax

Note that leases treated as real property

Present shellfish value assessment on proposed lease site?

No information

Additional Information Sources

Other websites of interest:

[National Seaweed Hub](#)

Definitions

State definition of aquaculture:

Marine aquaculture. The propagation and rearing of marine aquatic species in controlled or selected environments, including, but not limited to, ocean ranching, marine hatcheries, and other deep water fish farming operations in the coastal fishing waters of the State and, to the extent not inconsistent with federal law, to the limits of the United States exclusive economic zone, as that term is defined in the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. § 1801, et seq.

Any alternative names of a 'lease'?

No information

Special Natural Resource and Social Permit Conditions

Any special Corps/State permitting conditions to address environmental/user conflicts (in addition to standard NWP 56 conditions)?

Cannot be sited within 20 ft of a wetlands area unless approved by Corps. Leases will not unreasonably interfere with lawful utilization by the public of other marine/estuarine resources (including but not limited to navigation, fishing, and recreation). See Article 16A for full conditions.

Protected Resources and Critical Habitat Designations

Standard Corps requirements at minimum

Essential Fish Habitat (EFH)

Standard Corps requirements at minimum

Navigation

Standard (cannot block marked/unmarked channels, if need for removal must cover expense, etc.)

Historic resources

Standard Corps requirements at minimum

Migratory Fish

Standard Corps requirements at minimum

Shellfish density threshold

Must not contain a natural commercially significant shellfish bed or be within an area designated for inclusion in the Department's Shellfish Management Program.

Submerged aquatic vegetation (SAV)

Standard Corps requirements at minimum

Other natural resource protection measures?

Cannot be sited within 20 ft of a wetlands area unless approved by Corps.

Riparian setback

May not unreasonably interfere on rights of riparian or adjacent property owners, including access to navigation channels from piers or other means.

Social capacity

No information

Finfish-Specific Measures of Protection

Do cultured species need to be native?

Yes, would permit native only

Rules for transport across state lines

No information

Pathological inspections for fish and miscellaneous health requirements

No information

Contact in case of escape or disease outbreak

No information

Any other finfish rules or regulations to be aware of? (Genetic requirements, year-class stocking, etc.)

No information

Land-based Hatcheries

State agency/contact that regulates land-based hatchery permitting

NCDEQ has an [Aquaculture Permit](#) that covers marine hatcheries.

Riparian Landowner Requirements

Any definition of what constitutes a riparian owner?

Defined for shellfish leasing: (Statute: 113-201.1) The holder(s) of the fee title to land that is bordered by waters of an arm of the sea or any other navigable body of water.

Any riparian owner notice requirement for lease applications?

No information

Is applicant required to provide list of riparian owners to permitting agency?

On Corps IPs at minimum

Is any consent of riparian owner required? If so, under what condition?

No information

Coastal Zone Management (CZM) Consistency Determination

[NC Division of Coastal Management concurrence letter](#) granting CZM consistency for all 2021 NWP's.

Section 401 Water Quality Certification (WQC)

No information

Section 402/403 Pollution Control

NPDES Permit generally required if producing >20,000 lbs. cold water fish or >100,000 lbs. warm water fish, but varies by state. Required for discharge of pollutants to waters of United States (feed, nutrients, pharmaceuticals, antifouling agents, disinfectants, etc.) [See NPDES website.](#)

[NC NPDES Program](#)

Miscellaneous Questions

Any other license, permit and/or registration required for finfish aquaculture and other related activities (e.g. finfish import/nursery permits)? What are fees?

No information

Any finfish aquaculture lease/permit holder training/exam requirement?

No information

Are finfish aquaculture leases/permits restricted to residents only?

No information

Annual Permit/Lease Application Activity (2020)

Average # of finfish lease applications/year (last 3-5 years)?

No information

Number of complete finfish applications currently in review?

No information

Total Number of Leases (2020 unless otherwise noted)

Total # of finfish leases.

No information

Total acreage of finfish aquaculture leases. Separate by species if available.

No information

Total # of lease holders/individuals employed (if available)?

No information

Harvest and Value (2020 unless otherwise noted)

Harvest and value of finfish aquaculture.

No information

Any farm gate value estimates of finfish aquaculture harvest? Separate by species if available.

No information

Northern Mariana Islands (CNMI)

Special Notes

- All aquaculture, mariculture and silviculture that have the potential to directly and significantly impact coastal resources are processed through the DCRM Saipan office as Major Sitings projects, regulations and definitions pertaining to the application and permit process can be found at Admin Code (cnmilaw.org), Title 15, Chapter 15-10. of the Coastal Resources Management Regulations, Part 500 § 15-10-501 and § 15-10-020. While information is provided for Major Siting Projects, aquaculture with few to no impacts may instead be categorized as Use Priorities. Speak to DCRM about the scale of your project.
- May need legislature's approval for submerged land matters ([Title 2, Division 1, Sec. 1223](#)); speak with DNR before starting your project.

Tribal

No information.

Local Municipality

Any local municipality leasing/permitting authority? If so, who?

Zoning Permit required in Saipan by the Commonwealth Zoning Board; zoning needed in Saipan before Major Siting Permit done.

Local municipality website for finfish aquaculture leasing/permitting:

[Commonwealth Zoning Board](#)

Local municipality application for finfish aquaculture leasing/permitting:

No information.

State Government

State lead agency(ies) for finfish aquaculture leasing/permitting:

- Bureau of Environmental and Coastal Quality, Division of Coastal Resource Management handles Major Siting Permit.
- Department of Natural Resources, Division of Fish and Wildlife, handles submerged lands leasing.

State agency contact(s) for finfish aquaculture leasing/permitting:

- BECQ-DCRM: Sam Sablan, ssablan@dcrm.gov.mp, 670-664-8301
- For submerged land lease for aquaculture, apply to: Division of Fish and Wildlife Department of Natural Resources Lower Base, Tanapag Saipan, MP 96950

State agency website(s) for aquaculture leasing/permitting:

No information.

State finfish aquaculture leasing/permitting law(s):

- [Commonwealth Code](#)
- Title 2 (Natural Resources), Division 1 (Maritime and Coastal Resources): [2 CMC 1, § 1201](#)

State finfish aquaculture leasing/permitting regulation(s):

- [145-60-505: Aquaculture](#)
- [Major Siting Permit Guide](#), pg. 14
- [Chapter 15-10: Coastal Resource Management Rules and Regulations](#)

State application for finfish leasing/permitting:

For submerged land lease for aquaculture, apply to:
Division of Fish and Wildlife Department of Natural Resources Lower Base
Tanapag Saipan, MP 96950

U.S. Army Corps of Engineers

Corps District(s):

Honolulu

Corps contact(s) for finfish aquaculture permitting:

808-835-4303

Corps website for finfish aquaculture permitting:

[Honolulu Nationwide Permits](#)

Corps permit for finfish aquaculture:

NWP 56; [Regional conditions](#) (no special conditions)

Corps permit expiration:

14-Mar-26

Corps application for finfish aquaculture permitting:

PCN. Can use [form ENG 6082](#).

Is there a State/Federal Joint Permit Application (JPA)?

N/A

Is a Pre-Construction Notification (PCN) required?

PCN at minimum.

Are there interagency meetings (state/federal)

No information.

Interagency Meeting Frequency:

No information.

Applicant Guide/Tools

Is there a finfish aquaculture applicant guide book/information?

[Know your CRM: Major Siting Permit](#)

Process flowchart available?

A number of flow charts and diagrams on the Major Siting Permit scattered through guide (pg. 9, 17, 49, 55) on various aspects of the process.

Any siting tool(s) available to help applicants identify suitable lease sites and/or agency review of applications?

[Maps for public permitting and areas of particular concern](#)

Is a pre-application meeting required, encouraged, not specified?

Required by DCRM (encouraged by Corps).

Application Fees

Any pre-determination meeting fee for applicants?

N/A

Finfish lease/permit application fee?

- Leases: [Chapter 145-60-401](#); minimum \$25, but rises with price
- Major Siting Permit: \$200 to \$2,000 based on construction costs; fee can be reduced if environmental BMPs incorporated

Is applicant fee returned if denied?

No information.

Corps Individual Permit fee

Yes, \$100.

Advertisement and Public Scoping

Is a public scoping meeting required by agency or applicant?

Public hearing required for both lease and for Major Siting Projects.

Summary of advertisement requirement of lease application by agency and/or applicant?

- Lease: Department schedules public meeting and notifies via a local newspaper 2+ weeks before the meeting.
- Major Siting: 2 public notice periods.

Who pays for advertisement?

Department

Business/Operations Plan

Is a management or operations plan required with application?

Yes, extensive project description needed.

Is a business plan required with application?

No information.

Lease Review/Approval Timeframe

Permit review/approval timeframe (best, worst, average) from time applicant applies to final issuance? Separate by state/Corps if needed, available.

No information.

Lease Term and Conditions

Is a lease required?

Yes

Maximum term limit for lease?

25 years.

Are renewals available?

Yes, can renew or can also extend conveyance by up to 15 years during last 5 years of term.

Any renewal fee?

No information.

Is there an active use requirement? Any criteria to assess?

Lease can be terminated if contractual obligations are not being complied with and corrective action is not taken.

Is there a production report requirement?

No information.

Frequency for providing production report?

No information.

Can a finfish aquaculture lease be transferred?

Lease can be transferred with a fee.

Is there a bid process for leases?

No

Any acreage limits?

Note: If will take up <500 square ft, may be able to get a Use Permit (statute 145-60-205) instead of a lease.

Limits per site

No information.

Limits per person

No information.

Limits on number of lease sites a person can hold

No information.

Rental and Use Fees

Annual rental fee?

Determined by multiplying area in square ft by current square foot rental rate (adjusted for Consumer Price Index). Minimum rate is \$1,200/yr (rent is paid annually unless minimum is used, in which case paid in 5 year increments).

Any finfish aquaculture harvest surcharge? If so, what is it?

No information.

Other Fees

Other required fees/costs associated with obtaining a finfish aquaculture lease/permit?

No information.

Land surveyor/hydrographic survey

No information.

Lease markering responsibility

No information.

Biological assessment fee

Applicant

Property tax

No information.

Present shellfish value assessment on proposed lease site?

No information.

Additional Information Sources

Other websites of interest:

No information

Definitions

State definition of aquaculture:

Aquaculture is the culture or farming of food fish, shellfish, or other aquatic plants and animals. (Reg. 145-60-505)

Any alternative names of a 'lease'?

No information.

Special Natural Resource and Social Permit Conditions

Any special Corps/State permitting conditions to address environmental/user conflicts (in addition to standard NWP 56 conditions)?

Aquaculture is a preferred, water-dependent use. Water surface, column, and bedland areas suitable for aquaculture are limited to certain sites. These sites are subject to pressures from competing uses and degradation of water quality. A special effort should be made through the CRM program to identify and resolve resource use conflicts and resource management issues in regard to use of identified sites.

Protected Resources and Critical Habitat Designations

Standard, including considering cumulative impacts on wildlife.

Essential Fish Habitat (EFH)

Standard, including considering cumulative impacts on wildlife.

Navigation

Should be located in areas where the navigational access of upland owners, recreational boaters, and commercial traffic is not significantly restricted.

Historic resources

Must consult with archeologists to identify areas containing potentially valuable archaeological data and coordinate with CNMI Historical Preservation Office; where possible, preserve such sites for scientific study.

Migratory Fish

Standard, including considering cumulative impacts on wildlife.

Shellfish density threshold

No information.

Submerged aquatic vegetation (SAV)

Standard (must preserve).

Other natural resource protection measures?

- Non-polluting aquaculture permitted in lagoon and reef Areas of Particular Concern.
- EIA submitted to DCRM as part of Major Siting Permit process.
- May need legislature's approval for submerged land matters; speak with DNR before starting your project. See [Title 2, Division 1, Sec. 1223](#) for information on leases needing to be approved by [law](#).

Riparian setback

No information.

Social capacity

Recognition should be given to the possible detrimental impact aquacultural development might have on the visual access of upland owners and on the general aesthetic quality of the shoreline area.

Finfish-Specific Measures of Protection**Do cultured species need to be native?**

No information.

Rules for transport across state lines

Per 85-20.1-115, shellfish and fish require a written permit to be imported into CNMI.

Pathological inspections for fish and miscellaneous health requirements

No information.

Contact in case of escape or disease outbreak

No information.

Any other finfish rules or regulations to be aware of? (Genetic requirements, year-class stocking, etc.)

No information.

Land-based Hatcheries

State agency/contact that regulates land-based hatchery permitting

No information.

Riparian Landowner Requirements

Any definition of what constitutes a riparian owner?

No information.

Any riparian owner notice requirement for lease applications?

Yes, if not owner of adjacent upland, must get riparian consent for lease.

Is applicant required to provide list of riparian owners to permitting agency?

See above.

Is any consent of riparian owner required? If so, under what condition?

Yes, if not owner of adjacent upland, must get riparian consent for lease.

Coastal Zone Management (CZM) Consistency Determination

[Waived.](#)

Section 401 Water Quality Certification (WQC)

[Waived.](#)

Section 402/403 Pollution Control

NPDES Permit Generally required if producing >20,000 lbs. cold water fish or >100,000 lbs. warm water fish, but varies by state. Required for discharge of pollutants to waters of United States (feed, nutrients, pharmaceuticals, antifouling agents, disinfectants, etc.) [More info from NPDES website.](#)

[CNMI NPDES \(EPA\)](#)

Miscellaneous Questions

Any other license, permit and/or registration required for finfish aquaculture and other related activities (e.g. finfish import/nursery permits)? What are fees?

- Zoning permit
- Potentially an Area of Particular Concern (APC) Permit with or instead of Major Siting Project (depending on scale and location of project)

Any finfish aquaculture lease/permit holder training/exam requirement?

No information.

Are finfish aquaculture leases/permits restricted to residents only?

No information.

Annual Permit/Lease Application Activity (2020)

Average # of finfish lease applications/year (last 3-5 years)?

No information.

Number of complete finfish applications currently in review?

No information.

Total Number of Leases (2020 unless otherwise noted)

Total # of finfish leases.

No information.

Total acreage of finfish aquaculture leases. Separate by species if available.

No information.

Total # of lease holders/individuals employed (if available)?

No information.

Harvest and Value (2020 unless otherwise noted)

Harvest and value of finfish aquaculture

No information.

Any farm gate value estimates of finfish aquaculture harvest? Separate by species if available.

No information.

Oregon

Summary of the Status of Finfish Culture

- Finfish culture has not really occurred in state waters but is technically possible. A fish propagation permit will be needed from Department of Fish & Wildlife, and operations will occur on a lease from State Lands. Information provided is according to standard submerged land lease rules (OAR 141-82), but State Lands may elect to instead use a Special Uses lease (OAR 141-125).

Tribal

Relevant tribal governments will be informed of lease.

Local Municipality

Any local municipality leasing/permitting authority? If so, who?

Local city or county planning department will be notified of lease and asked for comment; must have necessary city or county approvals.

Local municipality website for finfish aquaculture leasing/permitting:

No information

Local municipality application for finfish aquaculture leasing/permitting:

No information

State Government

State lead agency for finfish aquaculture leasing/permitting:

- Department of Fish and Wildlife handles fish propagation permit
- Department of State Lands issues the lease

State agency contact(s) for finfish aquaculture leasing/permitting:

- ODFW: gabriel.t.garza@odfw.oregon.gov, 503-947-6249
- State Lands: [contact varies by region](#)

State agency website(s) for aquaculture leasing/permitting:

[Propagation Permitting](#)

State finfish aquaculture leasing/permitting law(s):

- [ORS 274: Submerged Lands](#)
- [ORS 196: Columbia River Gorge; Ocean Resources; Wetlands](#)

State finfish aquaculture leasing/permitting regulation(s):

- Propagation permits: [OAR Chapter 635 Division 7](#)
- State lands:
 - [OAR Ch. 141 Division 82](#)
 - [OAR Ch. 141 Division 125](#) (Special Uses)

State application for finfish leasing/permitting:

- [State Lands](#)
- [Fish Propagation Permit](#)

U.S. Army Corps of Engineers

Corps District(s):

Portland

Corps contact(s) for finfish aquaculture permitting:

503-808-4373

Corps website for finfish aquaculture permitting:

[Portland Nationwide Permits](#)

Corps permit for finfish aquaculture:

- [NWP 56](#)
- [Regional conditions](#)

Corps permit expiration:

14-Mar-26

Corps application for finfish aquaculture permitting:

- PCN. Can use [form 6082](#)
- If applying for activities with Department of State Lands, [see JPA](#)

Is there a State/Federal Joint Permit Application (JPA)?

Yes, [JPA with Department of State Lands](#) (DSL)

Is a Pre-Construction Notification (PCN) required?

Yes, PCN at minimum.

Are there interagency meetings (state/federal)?

Yes

Interagency Meeting Frequency:

No specific frequency-interagency meetings are held as needed.

Applicant Guide/Tools

Is there a finfish aquaculture applicant guide book/information?

- [Very short description of propagation permit process](#)
- Portland District has [NWP User's Guide](#)

Process flowchart available?

No information

Any siting tool(s) available to help applicants identify suitable lease sites and/or agency review of applications?

No information

Is a pre-application meeting required, encouraged, not specified?

Encouraged

Application Fees

Any pre-determination meeting fee for applicants?

N/A

Finfish lease/permit application fee?

\$750

Is applicant fee returned if denied?

Non-refundable

Corps Individual Permit fee

Yes, \$100.

Advertisement and Public Scoping

Is a public scoping meeting required by agency or applicant?

No information

Summary of advertisement requirement of lease application by agency and/or applicant?

Department may provide notice of a lease applicant and opportunity to comment at a local government building, library, etc.

Who pays for advertisement?

No information

Business/Operations Plan

Is a management or operations plan required with application?

Yes

Is a business plan required with application?

No, but must demonstrate good financial standing for lease.

Lease Review/Approval Timeframe

Permit review/approval timeframe (best, worst, average) from time applicant applies to final issuance? Separate by state/Corps if needed, available.

No information

Lease Term and Conditions

Is a lease required?

Yes

Maximum term limit for lease?

Up to 15 years, but 10 is more typical.

Are renewals available?

Yes, up to 15 years.

Any renewal fee?

\$375

Is there an active use requirement? Any criteria to assess?

Department can remove abandoned structures.

Is there a production report requirement?

Yes

Frequency for providing production report?

Annually by January 15.

Can a finfish aquaculture lease be transferred?

Only with Department approval, \$750 application.

Is there a bid process for leases?

Potentially, if the preference holder for lease rejects or fails to act on lease.

Any acreage limits?

No information

Limits per site

No information

Limits per person

No information

Limits on number of lease sites a person can hold

No information

Rental and Use Fees

Annual rental fee?

- Three different lease compensation formulas; see [OAR 141-082-0305](#): Flat rate, riparian land value, or percent of gross income methods.
- Special Use Leases have a different [method of compensation](#) (25% of value for agricultural crops).

Any finfish aquaculture harvest surcharge? If so, what is it?

No information

Other Fees

Other required fees/costs associated with obtaining a finfish aquaculture lease/permit?

Possible registration fees for structures on leases.

Land surveyor/hydrographic survey

If department cannot readily determine boundaries of area from description by applicant, may require applicant to have a survey done by professional surveyor at applicant cost.

Lease markering responsibility

Applicant

Biological assessment fee

N/A

Property tax

No information

Present shellfish value assessment on proposed lease site?

N/A

Additional Information Sources

Other websites of interest:

- [Oregon Aquaculture Association](#)

Definitions

State definition of aquaculture:

“Aquaculture” means the culture, farming, or harvesting of food fish, shellfish, and other plants (exclusive of kelp which is governed by Division 125 of the Department’s administrative rules) and animals in fresh or salt-water areas. Aquaculture practices include, but are not limited to, the hatching, seeding or planting, cultivating, feeding, raising, and harvesting of planted or natural species so as to maintain an optimum yield, and the processing of plants or animals.

Any alternative names of a 'lease'?

No information

Special Natural Resource and Social Permit Conditions

Any special Corps/State permitting conditions to address environmental/user conflicts (in addition to standard NWP 56 conditions)?

No information

Protected Resources and Critical Habitat Designations

Standard

Essential Fish Habitat (EFH)

Standard

Navigation

Standard

Historic resources

Standard

Migratory Fish

No information

Shellfish density threshold

No information

Submerged aquatic vegetation (SAV)

For shellfish process, mitigation plan may be required if project impacts eelgrass. Must provide a map showing areas of SAV in project area.

Other natural resource protection measures?

For shellfish process, aquaculture activity must not disturb migrating Black Brant; can assume the same applies.

Riparian setback

No information

Social capacity

No information

Finfish-Specific Measures of Protection

Do cultured species need to be native?

Refer to Chapter 635 Division 56 (linked below).

Rules for transport across state lines

- [Chapter 635 Division 7](#)
- [Chapter 635 Division 56](#)

Pathological inspections for fish and miscellaneous health requirements

[Yes, pathological inspections](#)

Contact in case of escape or disease outbreak

No information

Any other finfish rules or regulations to be aware of? (Genetic requirements, year-class stocking, etc.)

[Some information about transgenic requirements and other rules.](#)

Land-based Hatcheries

State agency/contact that regulates land-based hatchery permitting

Still managed by F&G. Extensive hatchery rules [under 635 Division 7](#).

Riparian Landowner Requirements

Any definition of what constitutes a riparian owner?

- “Adjacent Riparian Owner” or “Riparian Owner” means a person holding recorded title to property that fronts or abuts state-owned submerged and submersible land.
- “Adjacent Riparian Property” or “Adjacent Riparian Tax Lot” means the non-state-owned portion of a tax lot that fronts or abuts state-owned submerged and submersible land.

Any riparian owner notice requirement for lease applications?

Adjacent property owners will be notified by Department of State Lands.

Is applicant required to provide list of riparian owners to permitting agency?

Yes. Corps form 4345 requires.

Is any consent of riparian owner required? If so, under what condition?

Riparian owners have preference right over land that abuts or fronts their property.

Coastal Zone Management (CZM) Consistency Determination

[Consistency review always required for NWP 56.](#)

Section 401 Water Quality Certification (WQC)

Denied for activities that may result in a discharge, apply individually.

Section 402/403 Pollution Control

NPDES Permit generally required if producing >20,000 lbs. cold water fish or >100,000 lbs. warm water fish, but varies by state. Required for discharge of pollutants to waters of United States (feed, nutrients, pharmaceuticals, antifouling agents, disinfectants, etc.). [See NPDES website](#).

If fish in total at your facility gain more than 20,000 pounds per year, or 5,000 pounds in one month, then your application should be accompanied by an [Oregon Department of Environmental Quality \(DEQ\) NPDES 300J Waste Discharge Permit](#).

Miscellaneous Questions

Any other license, permit and/or registration required for finfish aquaculture and other related activities (e.g. finfish import/nursery permits)? What are fees?

- Fish Propagation Permit: \$151.50 annually
- Import and transport permits
- Possible registration fees for structures on leases, OAR see 141-082-0320

Any finfish aquaculture lease/permit holder training/exam requirement?

[HACCP training usually required.](#)

Are finfish aquaculture leases/permits restricted to residents only?

No information

Annual Permit/Lease Application Activity (2020)

Average # of finfish lease applications/year (last 3-5 years)?

No information

Number of complete finfish applications currently in review?

No information

Total Number of Leases (2020 unless otherwise noted)

Total # of finfish leases.

No information

Total acreage of finfish aquaculture leases. Separate by species if available.

No information

Total # of lease holders/individuals employed (if available)?

No information

Harvest and Value (2020 unless otherwise noted)

Harvest and value of finfish aquaculture.

No information

Any farm gate value estimates of finfish aquaculture harvest? Separate by species if available.

No information

Rhode Island

Summary of the Status of Finfish Culture

- Finfish culture is not allowed in coastal salt ponds, but would be a possibility (albeit unlikely) elsewhere. Rhode Island has not developed rules to govern finfish farming; while finfish farms would most likely use roughly the same permitting structure as shellfish (detailed below), this is subject to variation. An actual lease/assent may or may not be required, subject to the discretion of the director.
- Commercial viability permit is an administrative permit for the first 1.5 years and then a CRMC permit for the next 1.5 year, and limited to <1,000 sq ft. This permit is used as a prospecting permit.

Tribal

Recommended to consult with tribes (see GP) if believed to be a potential reason for concern.

Local Municipality

Any local municipality leasing/permitting authority? If so, who?

Harbormaster and other town officials present at preliminary determination meeting (usually hosted at nearby town). Notified of application during later 30-day public comment period. Usually it is the harbor commission but towns are free to designate which bodies or officials are involved and therefore it varies town to town.

Local municipality website for finfish aquaculture leasing/permitting:

No information.

Local municipality application for finfish aquaculture leasing/permitting:

No information.

State Government

State lead agency for finfish aquaculture leasing/permitting:

Coastal Resources Management Council (CRMC) (a regulatory state agency) is lead in consultation with Department of Environmental Management (DEM).

State agency contact(s) for finfish aquaculture leasing/permitting:

Ben Goetsch (CRMC) Aquaculture Coordinator, bgoetsch@crmc.ri.gov, 401-783-3370

State agency website(s) for aquaculture leasing/permitting:

[CRMC: Aquaculture](#)

State finfish aquaculture leasing/permitting law(s):

[CRMC Guide to Aquaculture Applications, pg. 25](#)

State finfish aquaculture leasing/permitting regulation(s):

- [CRMC Guide to Aquaculture Applications, pg. 32](#)
- [250-RICR-40-00-1: Aquaculture of Marine Species in Rhode Island Waters](#)

State application for finfish leasing/permitting:

[CRMC Aquaculture page](#)

U.S. Army Corps of Engineers

Corps District(s):

New England

Corps contact(s) for finfish aquaculture permitting:

Leslie Martin, leslie.martin@usace.army.mil, 978-318-8688

Corps website for finfish aquaculture permitting:

[New England Regulatory/Permitting Division](#)

Corps permit for finfish aquaculture:

[Rhode Island General Permit](#) Activity 16:

NWP 56 suspended in New England (4/13/2021).

Corps permit expiration:

3-Mar-22

Corps application for finfish aquaculture permitting:

[CRMC Application](#)

Is there a State/Federal Joint Permit Application (JPA)?

Not called a JPA but CMRC form sent to Corps

Is a Pre-Construction Notification (PCN) required?

General permit is silent on finfish, so IP almost certainly required for finfish culture.

Are there interagency meetings (state/federal)?

Yes

Interagency Meeting Frequency:

Reviews coordinated mostly via email with CRMC and applicant. No exact dates.

Applicant Guide/Tools

Is there a finfish aquaculture applicant guide book/information?

Yes, shellfish-targeted but very thorough [CRMC guide](#) (permit types, application forms and instructions, and laws).

Process flowchart available?

- [CRMC Permitting Process](#)
- Updated flow chart currently in progress

Any siting tool(s) available to help applicants identify suitable lease sites and/or agency review of applications?

- See link to interactive lease map [on CRMC aquaculture website](#)
- New siting tool (ShellFAST R) in progress (comparable to Massachusetts set-up)

Is a pre-application meeting required, encouraged, not specified?

Preliminary Determination is required, it is a separate application to the full permit application.

Application Fees

Any pre-determination meeting fee for applicants?

\$25

Finfish lease/permit application fee?

- Sliding scale based on project costs with minimum of \$50.
- \$25 for experimental or commercial viability application.

Is applicant fee returned if denied?

No

Corps Individual Permit fee

Yes, \$100.

Advertisement and Public Scoping

Is a public scoping meeting required by agency or applicant?

Mandatory open pre-determination meeting.

Summary of advertisement requirement of lease application by agency and/or applicant?

30 day public comment period. CRMC holds local hearing (in addition to standard Council hearing) if any objection.

Who pays for advertisement?

No information.

Business/Operations Plan

Is a management or operations plan required with application?

Operations plan.

Is a business plan required with application?

No information.

Lease Review/Approval Timeframe

Permit review/approval timeframe (best, worst, average) from time applicant applies to final issuance? Separate by state/Corps if needed, available.

Best 6 months, worst 13-14 months, average 8-9 months (a year or more is common in 2021 due to COVID-19 backlog). 2-3 months for commercial viability permit.

Lease Term and Conditions

Is a lease required?

May or may not be required; up to the discretion of the Director.

Maximum term limit for lease?

15 years (3 years for experimental, research, and viability permits).

Are renewals available?

At 10 year increments (3 years for experimental, research permits; viability permit must be replaced with full permit).

Any renewal fee?

Annual rental fee applies.

Is there an active use requirement? Any criteria to assess?

Yes, if goes for a year without being actively "farmed," lease may be revoked.

Is there a production report requirement?

Yes

Frequency for providing production report?

Annual (due in January).

Can a finfish aquaculture lease be transferred?

Yes

Is there a bid process for leases?

No

Any acreage limits?

Yes

Limits per site

- 3 acres in Narragansett Bay north of 41°35' only.
- 1,000 sq. ft. for experimental/viability/research.

Limits per person

No information

Limits on number of lease sites a person can hold

- Max. 1 site for commercial viability permits
- Max. 3 sites for experimental and education/research permits

Rental and Use Fees

Annual rental fee?

Yes, \$75 for <0.5 acres, \$150 for 0.5-1 acre, and \$100 for each additional acre

Any finfish aquaculture harvest surcharge? If so, what is it?

No

Other Fees

Other required fees/costs associated with obtaining a finfish aquaculture lease/permit?

\$200 DEM Aquaculture License

Land surveyor/hydrographic survey

N/A

Lease markering responsibility

Applicant

Biological assessment fee

N/A

Property tax

No

Present shellfish value assessment on proposed lease site?

No

Additional Information Sources

Other websites of interest:

No information

Definitions

State definition of aquaculture:

Cultivation, rearing, or propagation of aquatic plants or animals under either natural or artificial condition.

Any alternative names of a 'lease'?

State assent.

Special Natural Resource and Social Permit Conditions

Any special Corps/State permitting conditions to address environmental/user conflicts (in addition to standard NWP 56 conditions)?

No information

Protected Resources and Critical Habitat Designations

Standard; cannot threaten critical habitat, and PCN required if any involvement.

Essential Fish Habitat (EFH)

Standard

Navigation

No unreasonable interference with navigation. Any structure or work that extends closer to the horizontal limits of a FNP than a distance 3x the authorized depth shall be subject to removal at the owner's expense prior to any Corps dredging or performance of any hydrographic surveys.

Historic resources

All proposals are forwarded to the Rhode Island Historical Preservation & Heritage Commission.

Migratory Fish

DEM reviews for impacts and submits recommendation to CRMC.

Shellfish density threshold

No information.

Submerged aquatic vegetation (SAV)

- GP does not cover impacts to SAV.
- Per state regulations must avoid impacts to SAV habitat.
650-RICR-20-00-1.3.1(K)(4)(g): "Proposed aquaculture leases may not be sited where eelgrass (*Zostera marina*) or widgeon grass (*Ruppia maritima*) exists," however if SAV moves into a lease that's ok.

Other natural resource protection measures?

DEM will review for impacts.

Riparian setback

No information.

Social capacity

Established a 5% 'social capacity' for coastal ponds in 2009.

Finfish-Specific Measures of Protection

Do cultured species need to be native?

Yes, native only.

Rules for transport across state lines

Case-by-case approval needed for every shipment within the continental US.

Pathological inspections for fish and miscellaneous health requirements

Pathology report required, with case-by-case approval needed for every shipment within the continental U.S.

Contact in case of escape or disease outbreak

[Biosecurity board of CRMC](#)

Any other finfish rules or regulations to be aware of? (Genetic requirements, year-class stocking, etc.)

Genetic requirements on a case-by-case basis.

Land-based Hatcheries

State agency/contact that regulates land-based hatchery permitting
CRMC remains the contact for freshwater aquaculture.

Riparian Landowner Requirements

Any definition of what constitutes a riparian owner?

No information.

Any riparian owner notice requirement for lease applications?

Neither CRMC nor applicant required to notify. CRMC does notify towns, who may inform residents/landowners.

Is applicant required to provide list of riparian owners to permitting agency?

Must provide list of neighboring owners as part of application.

Is any consent of riparian owner required? If so, under what condition?

No

Coastal Zone Management (CZM) Consistency Determination

CRMC determines consistency.

Section 401 Water Quality Certification (WQC)

[Activity covered by state GP approved through Feb. 23, 2022](#)

Section 402/403 Pollution Control

NPDES Permit (not always required)

Generally required if producing >20,000 lbs. cold water fish or >100,000 lbs. warm water fish, but varies by state. Required for discharge of pollutants to waters of United States

(feed, nutrients, pharmaceuticals, antifouling agents, disinfectants, etc.). [See NPDES website](#).

If discharge, need RIPDES permit. [RIPDES Program](#)

Miscellaneous Questions

Any other license, permit and/or registration required for finfish aquaculture and other related activities (e.g. finfish import/nursery permits)? What are fees?

- [\\$200 DEM aquaculture license](#) (for selling product)
- [DEM Special Permit for Aquaculture](#): free, but must be renewed annually

Any finfish aquaculture lease/permit holder training/exam requirement?

No information

Are finfish aquaculture leases/permits restricted to residents only?

No information

Annual Permit/Lease Application Activity (2020)

Average # of finfish lease applications/year (last 3-5 years)?

No information

Number of complete finfish applications currently in review?

No information

Total Number of Leases (2020 unless otherwise noted)

Total # of finfish leases.

No information

Total acreage of finfish aquaculture leases. Separate by species if available.

No information

Total # of lease holders/individuals employed (if available)?

No information

Harvest and Value (2020 unless otherwise noted)

Harvest and value of finfish aquaculture.

No information

Any farm gate value estimates of finfish aquaculture harvest? Separate by species if available.

No information

South Carolina

Summary of the Status of Finfish Culture

Never have been finfish culture operations in state waters before; possible but complex. If permissible, it would be native species only, and application would be done via the same Joint Application used for shellfish aquaculture (applicants would just tailor their application to finfish as best as possible). While some mariculture-specific information (or info from the shellfish process) has been provided, a lack of clear regulations on generic mariculture leasing leaves most details open-ended.

The nature of any applicable lease is unclear, but would be a price of \$10/acre for annual leasing rights.

If permit meets criteria for individual permit from state, there will be a \$1,000 fee due to involvement of other agencies.

Tribal

No information.

Local Municipality

Any local municipality leasing/permitting authority? If so, who?

No information.

Local municipality website for finfish aquaculture leasing/permitting:

No information.

Local municipality application for finfish aquaculture leasing/permitting:

No information.

State Government

State lead agency for finfish aquaculture leasing/permitting:

- Department of Natural Resources
- Department of Health and Environmental Control's Office of Coastal Resource Management (DHEC-OCRM) works on application review

State agency contact(s) for finfish aquaculture leasing/permitting:

Ben Dyar, dvarb@dnr.sc.gov (takes part in JPA process)

State agency website(s) for aquaculture leasing/permitting:

[SC DNR Mariculture](#)

State finfish aquaculture leasing/permitting law(s):

Specific finfish laws do not exist, but [Title 50, Article 21](#) provides a generic Mariculture statute.

State finfish aquaculture leasing/permitting regulation(s):

[DHEC Chapter 30-12\(O\)](#)

State application for finfish leasing/permitting:

[Joint Mariculture Application](#)

U.S. Army Corps of Engineers

Corps District(s):

Charleston

Corps contact(s) for finfish aquaculture permitting:

843-329-8044

Corps website for finfish aquaculture permitting:

[Charleston Permitting Process](#)

Corps permit for finfish aquaculture:

NWP 56 [regional conditions](#)

Corps permit expiration:

14-Mar-26

Corps application for finfish aquaculture permitting:

[JPA](#)

Is there a State/Federal Joint Permit Application (JPA)?

Yes, see [JPA](#)

Is a Pre-Construction Notification (PCN) required?

Yes, PCN at minimum (but fulfilled by JPA).

Are there interagency meetings (state/federal)?

No information.

Interagency Meeting Frequency:

No information.

Applicant Guide/Tools

Is there a finfish aquaculture applicant guide book/information?

No

Process flowchart available?

[Flowchart for the JPA process](#) as it would normally apply to shellfish (general structure should apply given same application).

Any siting tool(s) available to help applicants identify suitable lease sites and/or agency review of applications?

- [Siting guidance](#)
- [Siting tool](#)

Is a pre-application meeting required, encouraged, not specified?

Strongly, strongly encouraged (especially given unusual nature of application). Later is a joint meeting between SCDNR, OCRM, and USACE. Corps has pre-application meeting request form.

Application Fees

Any pre-determination meeting fee for applicants?

N/A

Finfish lease/permit application fee?

- \$25 for JPA
- \$1,000 additional IP fee for floating gear due to involvement of other agencies

Is applicant fee returned if denied?

Non-refundable

Corps Individual Permit fee

Yes, \$100.

Advertisement and Public Scoping

Is a public scoping meeting required by agency or applicant?

No information

Summary of advertisement requirement of lease application by agency and/or applicant?

Applicant required to place ad in newspaper once a week for three consecutive weeks (shellfish mariculture standard requirement).

Who pays for advertisement?

Applicant (shellfish mariculture standard requirement).

Business/Operations Plan

Is a management or operations plan required with application?

Yes.

Is a business plan required with application?

Basic information included with operations plan for JPA.

Lease Review/Approval Timeframe

Permit review/approval timeframe (best, worst, average) from time applicant applies to final issuance? Separate by state/Corps if needed, available.

No information.

Lease Term and Conditions

Is a lease required?

Some kind of relevant, paid leasing rights, but details not developed.

Maximum term limit for lease?

No information.

Are renewals available?

No information.

Any renewal fee?

No information.

Is there an active use requirement? Any criteria to assess?

Issued with the intent to be used for a commercial purpose. If during the review at the end of the permit cycle there is no commercial use the permit will likely be recommended to be non-renewed.

Is there a production report requirement?

No information

Frequency for providing production report?

No information

Can a finfish aquaculture lease be transferred?

No information

Is there a bid process for leases?

No

Any acreage limits?

Private, non-commercial operations limited to no more than 200 square ft of growing surface (must own adjacent highland and be riparian owner).

Limits per site

No information

Limits per person

No information

Limits on number of lease sites a person can hold

No information

Rental and Use Fees

Annual rental fee?

\$10/acre

Any finfish aquaculture harvest surcharge? If so, what is it?

No information

Other Fees

Other required fees/costs associated with obtaining a finfish aquaculture lease/permit?

\$1000 individual permit fee through DHEC may be needed if gear used for mariculture.

Land surveyor/hydrographic survey

No information

Lease markering responsibility

Applicant (not required, must be approved) (shellfish mariculture standard requirement).

Biological assessment fee

Completed by DNR (shellfish mariculture standard requirement).

Property tax

No information.

Present finfish value assessment on proposed lease site?

No information.

Additional Information Sources

Other websites of interest:

- [Shellfish Mariculture BMPs](#) (while shellfish-specific, all mariculture is expected to comply with BMPs of some kind; this may provide a reference for the sort of practices involved)

Definitions

State definition of aquaculture:

Mariculture means the confined cultivation of aquatic species in the marine environment, including the spawning and rearing of juveniles and adults, either alone or in combination with other species, and the trafficking in said species.

Any alternative names of a 'lease'?

No information

Special Natural Resource and Social Permit Conditions

Any special Corps/State permitting conditions to address environmental/user conflicts (in addition to standard NWP 56 conditions)?

Must have storm damage plan and must adopt BMPs (updated as industry standards/tech change).

Protected Resources and Critical Habitat Designations

Standard

Essential Fish Habitat (EFH)

Standard

Navigation

Standard

Historic resources

Standard

Migratory Fish

No information

Shellfish density threshold

No information

Submerged aquatic vegetation (SAV)

Standard

Other natural resource protection measures?

No information

Riparian setback

No mariculture within 50 ft of an existing dock/cannot block access to such a dock without permission (if a dock is later permitted and built, mariculture must be moved to comply).

Social capacity

Most consider user conflicts, and most design all structures/pens to be as visually unobtrusive as possible while still complying with USCG.

Finfish-Specific Measures of Protection

Do cultured species need to be native?

Yes, would permit native only.

Rules for transport across state lines

See [article on Importation of Wildlife](#).

Pathological inspections for fish and miscellaneous health requirements

No information

Contact in case of escape or disease outbreak

No information

Any other finfish rules or regulations to be aware of? (Genetic requirements, year-class stocking, etc.)

No information

Land-based Hatcheries

State agency/contact that regulates land-based hatchery permitting

Land-based still handled by DNR under [their own statutory section](#).

Would give permits to collect broodstock annually, and can raise any marine species desired on own private property with the appropriate permit; these operations are exempt from selling seasons (e.g. red drum/cobia are both game fish). Land-based facilities can also violate the native species rule given distance from saltwater and reduced risk of escapes.

Riparian Landowner Requirements

Any definition of what constitutes a riparian owner?

No information

Any riparian owner notice requirement for lease applications?

Must provide notice to adjacent property owners and attempt to obtain letters of no objection (submitted with JPA).

Is applicant required to provide list of riparian owners to permitting agency?

Yes, on JPA.

Is any consent of riparian owner required? If so, under what condition?

See above

Coastal Zone Management (CZM) Consistency Determination

CZM concurrence denied. Seek individually from state.

Section 401 Water Quality Certification (WQC)

No information

Section 402/403 Pollution Control

NPDES Permit generally required if producing >20,000 lbs. cold water fish or >100,000 lbs. warm water fish, but varies by state. Required for discharge of pollutants to waters of United States (feed, nutrients, pharmaceuticals, antifouling agents, disinfectants, etc.). [See NPDES website.](#)

[SC NPDES Program](#)

Miscellaneous Questions

Any other license, permit and/or registration required for finfish aquaculture and other related activities (e.g. finfish import/nursery permits)? What are fees?

- [Possible commercial saltwater license](#) (\$25.00 for SC residents; \$300 nonresident)
- For mariculture operations involving gear/critical areas, DHEC may require an [individual permit](#) (up to \$1,000)

Any finfish aquaculture lease/permit holder training/exam requirement?

No information

Are finfish aquaculture leases/permits restricted to residents only?

No information

Annual Permit/Lease Application Activity (2020)

Average # of finfish lease applications/year (last 3-5 years)?

No information

Number of complete finfish applications currently in review?

No information

Total Number of Leases (2020 unless otherwise noted)

Total # of finfish leases.

No information

Total acreage of finfish aquaculture leases. Separate by species if available.

No information

Total # of lease holders/individuals employed (if available)?

No information

Harvest and Value (2020 unless otherwise noted)

Harvest and value of finfish aquaculture.

No information

Any farm gate value estimates of finfish aquaculture harvest? Separate by species if available.

No information

Texas

Summary of the Status of Finfish Culture

- While Texas has some regulations in place that address offshore aquaculture of miscellaneous species, no contact was able to be made with a Texas regulatory contact, and information is not provided.
- See the [2020-2021 Texas Commercial Fishing Regulations Summary](#) for some information on offshore aquaculture (p. 48).

Virginia

Summary of the Status of Finfish Culture

- There are no explicit regulatory prohibitions against seaweed or finfish culture, but there are also no regulatory structures whatsoever. It is advised that those interested in starting seafood or finfish operations attempt to begin with a scientific collection permit, which are reviewed by the Commissioner on a case-by-case basis. These permits primarily are oriented toward collecting species for scientific use, so speak with regulatory agents to determine whether you can utilize for an exploratory aquaculture project.
- Note that explicit rules against selling seafood without having permitting do exist. Virginia has some rules around aquaculture of specific species (such as striped bass and cobia), but these are oriented toward enclosed, land-based operations.

Tribal

None other than VMRC.

Local Municipality

Any local municipality leasing/permitting authority? If so, who?

None other than VMRC.

Local municipality website for finfish aquaculture leasing/permitting:

No

Local municipality application for finfish aquaculture leasing/permitting:

No

State Government

State lead agency for finfish aquaculture leasing/permitting:

Virginia Marine Resources Commission

State agency contact(s) for finfish aquaculture leasing/permitting:

- Jennifer Farmer, jennifer.farmer@mrc.virginia.gov (issues Scientific Collection Permit)
- Alicia Nelson, alicia.nelson@mrc.virginia.gov

State agency website(s) for aquaculture leasing/permitting:

[VMRC Experimental Fisheries Permits](#)

State finfish aquaculture leasing/permitting law(s):

[Chapter 12. Submerged Lands](#)

State finfish aquaculture leasing/permitting regulation(s):

No information

State application for finfish leasing/permitting:

Request Experimental form

U.S. Army Corps of Engineers

Corps District(s):

Norfolk

Corps contact(s) for finfish aquaculture permitting:

- Regulator of the day: 757-201-7652
- Peter Kube, peter.r.kube@usace.army.mil, 757-201-7504
- Tucker Smith, tucker.smith@usace.army.mil, 757-201-7653

Corps website for finfish aquaculture permitting:

[Norfolk District NWP Conditions](#)

Corps permit for finfish aquaculture:

NWP 56 [regional conditions](#)

Corps permit expiration:

NWP: 3/14/2026; RGP 19: 9/5/2023

Corps application for finfish aquaculture permitting:

[Tidewater JPA](#)

Is there a State/Federal Joint Permit Application (JPA)?

Yes, [Tidewater JPA](#)

Is a Pre-Construction Notification (PCN) required?

Yes, PCN at minimum (required by regional permit 19), but can use the JPA

Are there interagency meetings (state/federal)?

No

Interagency Meeting Frequency:

n/a

Applicant Guide/Tools

Is there a finfish aquaculture applicant guide book/information?

[Experimental Permits Description](#)

[Shellfish Aquaculture](#) (extent of VA's marine aquaculture program)

Process flowchart available?

No

Any siting tool(s) available to help applicants identify suitable lease sites and/or agency review of applications?

[Maps and GIS Data](#)

Is a pre-application meeting required, encouraged, not specified?

May be necessary for discussing unorthodox aquaculture

Application Fees

Any pre-determination meeting fee for applicants?

No

Finfish lease/permit application fee?

No information

Is applicant fee returned if denied?

No information

Corps Individual Permit fee

No information

Advertisement and Public Scoping

Is a public scoping meeting required by agency or applicant?

No information

Summary of advertisement requirement of lease application by agency and/or applicant?

No information

Who pays for advertisement?

No information

Business/Operations Plan

Is a management or operations plan required with application?

No information

Is a business plan required with application?

No information

Lease Review/Approval Timeframe

Permit review/approval timeframe (best, worst, average) from time applicant applies to final issuance? Separate by state/Corps if needed, available.

No information

Lease Term and Conditions

Is a lease required?

No information

Maximum term limit for lease?

No information

Are renewals available?

No information

Any renewal fee?

No information

Is there an active use requirement? Any criteria to assess?

No information

Is there a production report requirement?

No information

Frequency for providing production report?

No information

Can a finfish aquaculture lease be transferred?

No information

Is there a bid process for leases?

No information

Any acreage limits?

No information

Limits per site

No information

Limits per person

No information

Limits on number of lease sites a person can hold

No information

Rental and Use Fees

Annual rental fee?

No information

Any finfish aquaculture harvest surcharge? If so, what is it?

No information

Other Fees

Other required fees/costs associated with obtaining a finfish aquaculture lease/permit?

No information

Land surveyor/hydrographic survey

No information

Lease markering responsibility

No information

Biological assessment fee

No information

Property tax

No information

Present shellfish value assessment on proposed lease site?

No information

Additional Information Sources

Other websites of interest:

No information

Definitions

State definition of aquaculture:

The propagation, rearing, enhancement, and harvest of aquatic organisms in controlled or selected environments, conducted in marine, estuarine, brackish, or fresh water.

Any alternative names of a 'lease'?

No information

Special Natural Resource and Social Permit Conditions

Any special Corps/State permitting conditions to address environmental/user conflicts (in addition to standard NWP 56 conditions)?

No information

Protected Resources and Critical Habitat Designations

No information

Essential Fish Habitat (EFH)

No information

Navigation

No information

Historic resources

No information

Migratory Fish

No information

Shellfish density threshold

No information

Submerged aquatic vegetation (SAV)

No information

Other natural resource protection measures?

No information

Riparian setback

No information

Social capacity

No information

Finfish-Specific Measures of Protection

Do cultured species need to be native?

No information

Rules for transport across state lines

No information

Pathological inspections for fish and miscellaneous health requirements

No information

Contact in case of escape or disease outbreak

No information

Any other finfish rules or regulations to be aware of? (Genetic requirements, year-class stocking, etc.)

No information

Land-based Hatcheries

State agency/contact that regulates land-based hatchery permitting
[VMRC has a few applications for aquaculture facilities of specific species.](#)

Riparian Landowner Requirements

Any definition of what constitutes a riparian owner?

No information

Any riparian owner notice requirement for lease applications?

No information

Is applicant required to provide list of riparian owners to permitting agency?

No information

Is any consent of riparian owner required? If so, under what condition?

No information

Coastal Zone Management (CZM) Consistency Determination

As a condition of the VADEQ's concurrence with the CZMA consistency determination, applicants are required, for proposed activities located within Virginia's designated coastal zone, to access the Virginia Department of Wildlife Resources' (DWR) [Virginia Fish and Wildlife Information Service](#) (VAFWIS) to determine if a state-listed species or designated resource is known within 2 miles of the proposed activity being permitted. Should a state-listed species and/or designated resource be identified within 2 miles of the proposed activity, the applicant must coordinate with the DWR's Environmental Services Section (ESS) by submitting information on permit applications via email to essprojects@dwr.virginia.gov. Applicant shall allow at least 30 days for review and comment by the DWR ESS.

Section 401 Water Quality Certification (WQC)

No information

Section 402/403 Pollution Control

NPDES Permit Generally required if producing >20,000 lbs. cold water fish or >100,000 lbs. warm water fish, but varies by state. Required for discharge of pollutants to waters of

United States (feed, nutrients, pharmaceuticals, antifouling agents, disinfectants, etc.) [See NPDES website.](#)

[VPDES Program](#)

Miscellaneous Questions

Any other license, permit and/or registration required for finfish aquaculture and other related activities (e.g. finfish import/nursery permits)? What are fees?

No information

Any finfish aquaculture lease/permit holder training/exam requirement?

No information

Are finfish aquaculture leases/permits restricted to residents only?

No information

Annual Permit/Lease Application Activity (2020)

Average # of finfish lease applications/year (last 3-5 years)?

No information

Number of complete finfish applications currently in review?

No information

Total Number of Leases (2020 unless otherwise noted)

Total # of finfish leases.

No information

Total acreage of finfish aquaculture leases. Separate by species if available.

No information

Total # of lease holders/individuals employed (if available)?

No information

Harvest and Value (2020 unless otherwise noted)

Harvest and value of finfish aquaculture.

No information

Any farm gate value estimates of finfish aquaculture harvest? Separate by species if available.

No information

Washington

Summary of the Status of Finfish Culture

- Washington's finfish program uses the same joint application as the shellfish program and has a well-documented, rigorous set of leasing and management requirements. A thorough guide through the process (containing several BMPs) is currently under review.
- Note that only native species may be cultured.

Tribal

Have right to review and comment on permits.

Local Municipality

Any local municipality leasing/permitting authority? If so, who?

Over 40 Shoreline Master Plans exist, dependent on county.

May need a Shoreline Substantial Development, Conditional Use Permit, or Variance Permit (depending on jurisdiction), or some combination of these. Recommended to meet with locals first.

Local municipality website for finfish aquaculture leasing/permitting:

[Shoreline Master Plan Guidebook for Aquaculture](#)

Local municipality application for finfish aquaculture leasing/permitting:

[IARPA](#)

State Government

State lead agency for finfish aquaculture leasing/permitting:

- Department of Natural Resources (DNR) Aquatic Resources Program issues aquatic use authorizations (leases) for State-Owned Aquatic Lands (not required for privately owned tidelands). DNR can verify land ownership.
- Department of Ecology reviews for WQC and CZMA consistency and issues NPDES permits.
- Department of Health issues permits for harvest and sales.
- Department of Agriculture monitors health and diseases in net pens.

State agency contact(s) for finfish aquaculture leasing/permitting:

- WA Department of Ecology, Casey Dennehy, cden461@ecy.wa.gov, 206-594-0066
- WA DNR, Kristin Swenddal, kristin.swenddal@dnr.wa.gov, 360-902-1124

State agency website(s) for aquaculture leasing/permitting:

- [Department of Ecology, Aquaculture](#)
- [Department of Natural Resources, Aquaculture](#)

State finfish aquaculture leasing/permitting law(s):

- [Chapter 77.125 RCW](#) (Marine Finfish Aquaculture Programs)
- [Chapter 79.105 RCW](#) (Aquatic Lands--General)
- [Aquaculture Leasing Statutory and Regulatory Framework](#)

State finfish aquaculture leasing/permitting regulation(s):

- [Chapter 220-370 WAC](#): Aquaculture
- [Chapter 332-30 WAC](#): Aquatic Land Management
- Chapter 197-11 WAC - SEPA Rule
- Chapter 16-250 WAC - Commercial Feed
- [Aquaculture Leasing Statutory and Regulatory Framework](#)

State application for finfish leasing/permitting:

- [JARPA](#)
- [One-Stop JARPA Resource Center](#)
- DNR requires Attachment E to be submitted with JARPA

U.S. Army Corps of Engineers

Corps District(s):

Seattle

Corps contact(s) for finfish aquaculture permitting:

- Andy Dangler, andrew.c.dangler@usace.army.mil, 518-487-0215
- Matt Bennett, 206-764-3428
- Pam Sanguinetti, 206-764-6904

Corps website for finfish aquaculture permitting:

[Seattle Regulatory Division](#)

Corps permit for finfish aquaculture:

NWP 56 [regional conditions](#)

Corps permit expiration:

14-Mar-26

Corps application for finfish aquaculture permitting:

[JARPA](#)

Is there a State/Federal Joint Permit Application (JPA)?

Yes. [JARPA](#)

Is a Pre-Construction Notification (PCN) required?

Yes for activities specified in NWP 56. Can use JARPA for PCN.

Are there interagency meetings (state/federal)?

No information

Interagency Meeting Frequency:

No information

Applicant Guide/Tools

Is there a finfish aquaculture applicant guide book/information?

- [Draft of Net Pen Guidance](#)

- [JARPA instructions](#)

Process flowchart available?

Yes, [process flowchart](#) but from 2014; meant for shellfish, but general structure does still apply (can also consult with draft of net pen guidelines).

Any siting tool(s) available to help applicants identify suitable lease sites and/or agency review of applications?

DNR has info on State Owned Aquatic Lands (SOAL) [and appropriate contacts](#).

Is a pre-application meeting required, encouraged, not specified?

Encouraged by Corps, DNR. Pre-filing meeting required by Ecology for WQC review. See [Pre-Filing Meeting Request Form](#).

Application Fees

Any pre-determination meeting fee for applicants?

N/A

Finfish lease/permit application fee?

Yes - DNR requires a non-refundable \$25 check to be submitted with the JARPA and Attachment E.

Is applicant fee returned if denied?

Non-refundable.

Corps Individual Permit fee

Yes, \$100.

Advertisement and Public Scoping

Is a public scoping meeting required by agency or applicant?

DNR issues a public notice after the application is processed. No public meetings though.

Summary of advertisement requirement of lease application by agency and/or applicant?

Notice and comment period of at least 30 days for all shoreline permits. SEQA may result in additional public comment requirements for state agencies.

Who pays for advertisement?

No information

Business/Operations Plan

Is a management or operations plan required with application?

Yes

Is a business plan required with application?

No

Lease Review/Approval Timeframe

Permit review/approval timeframe (best, worst, average) from time applicant applies to final issuance? Separate by state/Corps if needed, available.

No information

Lease Term and Conditions

Is a lease required?

Yes

Maximum term limit for lease?

10 years

Are renewals available?

Yes

Any renewal fee?

Same \$25 application fee.

Is there an active use requirement? Any criteria to assess?

[Several mandatory, regular management measures](#) for safety precautions (e.g. preventing disease, escapes, etc.)

Is there a production report requirement?

Yes.

Frequency for providing production report?

Quarterly production reports; Monthly reporting of live and dead fish for salmon.

Can a finfish aquaculture lease be transferred?

Yes

Is there a bid process for leases?

No information

Any acreage limits?

Subject to agency discretion

Limits per site

No information

Limits per person

No information

Limits on number of lease sites a person can hold

No information

Rental and Use Fees

Annual rental fee?

Rents subject to agency discretion and negotiation.

Any finfish aquaculture harvest surcharge? If so, what is it?

An additional rent (i.e., surcharge or royalty fee) may be established through aforementioned rent negotiations.

Other Fees

Other required fees/costs associated with obtaining a finfish aquaculture lease/permit?

Cost for registered land surveyor (see below)

Land surveyor/hydrographic survey

Applicant, by registered land surveyor

Lease marking responsibility

Applicant

Biological assessment fee

Varies (no fee from DNR)

Property tax

No, but leasehold excise tax may be included with annual rent.

Present shellfish value assessment on proposed lease site?

Applicants pay the cost (if any) of DFW conducting the evaluation.

Additional Information Sources

Other websites of interest:

[Draft of Net Pen Guidance](#)

Definitions

State definition of aquaculture:

Aquaculture WAC 173-26-020(6) means the culture or farming of fish, shellfish, or other aquatic plants and animals.

Any alternative names of a 'lease'?

Aquatic use authorization.

Special Natural Resource and Social Permit Conditions

Any special Corps/State permitting conditions to address environmental/user conflicts (in addition to standard NWP 56 conditions)?

Lots of BMPs that can be worked into applications; see [draft of net pen guidance](#).

Protected Resources and Critical Habitat Designations

Standard

Essential Fish Habitat (EFH)

Standard

Navigation

Standard

Historic resources

Standard

Migratory Fish

No information.

Shellfish density threshold

Not specified but DNR has DFW conduct site evaluation for impact to wild shellfish populations.

Submerged aquatic vegetation (SAV)

May not adversely impact eelgrass/macroalgae, avoid. .

Other natural resource protection measures?

- Forage fish spawning time period restrictions; limit impact to bird and marine mammal habitats.
- Lots of BMPs that can be worked into applications; see [draft of net pen guidance](#).

Riparian setback

No information.

Social capacity

No information.

Finfish-Specific Measures of Protection

Do cultured species need to be native?

YEs

Rules for transport across state lines

Live Fish Transport (FTP) and Importation Permits: [WAC 220-370-190](#)

Pathological inspections for fish and miscellaneous health requirements

- [WAC 220-370-190](#)
- [WAC 220-370-080](#)

Contact in case of escape or disease outbreak

[Escape rules \(Fish & Game\)](#)

Any other finfish rules or regulations to be aware of? (Genetic requirements, year-class stocking, etc.)

Must mark salmon so they can be identified, provide a sample for genetic identification and marking, and report numbers of live and dead fish in monthly reports. [Many BMPs \(some explicitly mandatory, others worked into permitting review\) in draft of net pen guidance.](#)

Land-based Hatcheries

State agency/contact that regulates land-based hatchery permitting

[State hatcheries run by Fish and Wildlife](#)

Riparian Landowner Requirements

Any definition of what constitutes a riparian owner?

No information.

Any riparian owner notice requirement for lease applications?

Must notify abutting upland property owners when proposing to lease tidelands to someone other than them.

Is applicant required to provide list of riparian owners to permitting agency?

Yes, JARPA requires upland owners to be listed.

Is any consent of riparian owner required? If so, under what condition?

Per WAC 332-30-122(a)(iii), when not adverse to the public's ownership, the abutting owner's water access needs may be reasonably accommodated.

Coastal Zone Management (CZM) Consistency Determination

[Individual CZM determination needed. CZM federal consistency form.](#)

Section 401 Water Quality Certification (WQC)

[Individual WQCs will be required as described in supplemental decision document for permit NWP 56.](#)

Section 402/403 Pollution Control

NPDES Permit generally required if producing >20,000 lbs. cold water fish or >100,000 lbs. warm water fish, but varies by state. Required for discharge of pollutants to waters of United States (feed, nutrients, pharmaceuticals, antifouling agents, disinfectants, etc.) [See NPDES website](#).

[Ecology NPDES Certifications](#)

Miscellaneous Questions

Any other license, permit and/or registration required for finfish aquaculture and other related activities (e.g. finfish import/nursery permits)? What are fees?

- [Aquatic farm registration](#) (\$105 annually) with WA DFW
- Finfish Import Permits, Transfer Permits
- Marine Finfish Aquaculture Permit (every 5 years) from Fish & Game
- USCG PATON

Any finfish aquaculture lease/permit holder training/exam requirement?

No information

Are finfish aquaculture leases/permits restricted to residents only?

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Annual Permit/Lease Application Activity (2020)

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