



North Carolina Shellfish Lease Application

Annual Submission Window
March 1 – August 1, 2026

Version 2.1 | Revised: February 2026

For Internal Use Only
Applicant

Lease ID

BL

WC

Payment

Date Paid

Amount / Form

Application Overview

Submission Deadline

August 1, 2026 at 5:00 p.m. (local time)

Any application submitted on August 1 will not be eligible for revisions.

Who Should Apply

Individuals or businesses seeking to lease coastal waters for shellfish aquaculture, including oyster and clam farming.

Completion Requirements

- Complete all sections fully and accurately.
- If completing by hand, print clearly in black or blue ink.
- Review the application for completeness and legibility, and initial each page to confirm you have read and understand it.
- Missing or illegible information may result in denial.

Important!

If the submitted proposed lease footprint does not meet DMF minimum standards, revisions to the application may be permitted only at the Leasing Biologist's discretion; otherwise, the application will be denied.



Book a consultation with the Shellfish Lease and Aquaculture Program

Schedule up to a one hour meeting with our Leasing Biologist to discuss:

- Application requirements and next steps.
- Site selection and footprint standards
- Mapping, coordinates, and required attachments.
- Timelines, review, and common reasons for denial.



Scan or visit: is.gd/m6i9j0

Program Information

Shellfish Lease and Aquaculture Program (SLAP)

Habitat & Enhancement

Division of Marine Fisheries

NC Department of Environmental Quality

Email: SLAP@deq.nc.gov

Phone: (252) 515-5600

3441 Arendell St, Morehead City, NC 28557

Initials Applicant

Initials Co-Applicant

Application Checklist

Submission Instructions

Sections

Section 1

Pg. 7

Applicant (and Co-Applicant if any)

Tip: Use the same email you monitor daily; it will be used for appointment/setup and sign-photo confirmations.

- Identity & Contact:** Fill legal name(s), preferred name, gender, race; two phones + email.
- Addresses:** Provide both mailing and physical.
- Residency/ID:** Check ≥ 6 months residency; select ID type; attach photocopy; add ID # + expiration.
- Disclosure:** Note DMF relative (if any) + relationship; confirm “<4 DMF convictions in last 3 yrs.”

Section 2

Pg. 9

Business (if filing as entity)

Tip: If you sign as “Member/Manager” (LLC), include a one-page authority excerpt from the OA to avoid delays.

- Basics:** Legal name/DBA; mail + physical; phone; email (required).
- Entity Proof:** Tick structure (LLC/Corp/Partnership), attach Articles, list NC SoS ID.
- Comms:** List up to 3 associates with Yes/No authorization for DMF communications.

Section 3

Pg. 10

Qualifications

- Existing Holdings:** If any, list all lease IDs.
- Experience/Training:** Provide brief, specific activities, courses/certs, dates.

Section 4

Pg. 11

Site Information (make or break)

Hard screens (meet all):

- USACE conditions ok; SAV none or \leq Very Sparse; ≥ 20 ft marsh; ≥ 10 ft natural beds; ≥ 250 ft developed shoreline; ≥ 250 ft from any lease; not in channels.
- Lease type & fees:** Bottom (\$200; rent \$10/ac/yr); add Water Column (\$100; rent \$100/ac/yr) later. If requesting WCL without an underlying bottom footprint \rightarrow apply for both (\$300 total) now.
- Site fields:** County, waterbody, acreage 0.5–10; answer all distance prompts (shoreline, marsh, beds, leases, channel).
- Coordinates (precision rules):** 3–8 points, decimal degrees, clockwise, start at northernmost, collected via handheld GPS (WAAS) (not phone), compact polygon; make sure diagrams match exactly.

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Section 5

Management Plan (operational)

Pg. 13

- Species:** Diploid/Triploid oysters ± clams (choose what you'll actually grow).
- Capital & gear:** Enter capex, harvest gear list; mark if mechanical (confirm not in PNA). CFVR # if using a vessel.
- Grow-out:**
 - **Bottom:** predator netting / bags / cages (numbers + dimensions).
 - **Water column:** floating bags/cages/longlines (numbers + dimensions) + anchor specs.
- Ops flags:** Apr–Sept oyster harvest? Dealer ops? Move product to other leases? Off-site pre-harvest? (tick Yes/No, then comply.)
- Marking:** Post type/size/qty; ≥12" reflective; WCL adds Caution/Warning signs; DCM permit if posts >12×12" or >12" dia.
- Land/dock facilities:** Check any planned structures; note "lease-based" vs "land-based"; remember some require DCM.
- Bird mitigation:** Add concise deterrent steps if floating/intertidal gear.
- Storm plan (Appendix VI template):**
 - Install specs; pre-season routines; tiered in-season actions (Yellow/Orange/Red); post-storm recovery.
 - Call Shellfish Sanitation (252-515-5656) if any product leaves the lease after a storm.

Section 6

Site Diagrams (three)

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Rule: Clear & accurate (scale optional). If configuration changes, resubmit within 30 days.

- Location Map:** North arrow; all corner coordinates; base from Google/DMF/NOAA; boundaries drawn; shoreline distance noted.
- Top View:** North arrow; corner points + boundary distances; gear layout shown.
- Side View:** MLW depths; structure height (inches); clearance at shallowest/deepest.

Section 7

Cleanup Provisions

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- Acknowledgement:** You remove posts/markers/gear within 30 days of termination/relinquishment; DMF may remove at your cost if not; you collect storm-displaced gear; label equipment with contact info.
- Sign & date** (applicant and co-applicant).

Section 8

Final Signature & Notary

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Tip: Use trackable mail; postmark well before Aug 1. Keep a scanned PDF of the whole packet.

- You acknowledge:** statutes/rules, rent (first year prorated; annual rent due July 1), commercial use, annual production reporting, and termination risks.
- Signatures:** Applicant/Business Agent; Co-Applicant (if any).
- Notarization:** Separate county + notary + seal + expiration for each signer.

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Appendixes

Appendix I

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Process

- Siting tool used
- On-water visit completed
- Contacted neighbors
- Asked DMF questions if needed
- All pages completed + initialed
- Fee included
- Temporary signs installed when sent
- Photos emailed to SLAP@deq.nc.gov
- Aware of investigation + internal review
- Aware of public notice/hearing steps
- Understand USACE review
- Permanent signs installed post-approval
- Received executed contract

Appendix II

Pg. 25

Siting

- Checked DMF + UNCW siting tools
- Not in pollution closures
- ≥ 10 ft from natural beds
- SAV below threshold
- $\leq 1/3$ waterbody width (when applicable)
- No conflict with public use
- No prohibited zones
- Submerged land claims resolved + notarized
- ≥ 250 ft shoreline buffer (or consent)
- ≥ 250 ft from leases
- Marsh setback met
- Corner signs meet DMF specs
- CAMA permit for structures if needed

Appendix III

Pg. 26

Management Plan Help

- Reviewed Sea Grant resources
- Reviewed Carteret CC programs
- Checked NOAA traffic (Marine Cadastre)
- Connected with NC growers groups if needed

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Appendix IV
Public Health

Pg. 27

- Reviewed permanent closure maps
- Reviewed temporary closure map
- Reviewed Vibrio/NSSP info
- Following SS-1 time-temp rules
- Off-season oyster harvest documentation prepared
- Understand reclassification closures
- Subscribed to proclamations

Appendix V
Aquaculture Permits

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Minimum: AOP (required annually).

- AOP
- ACP
- ASTP
- Intro Permit
- Mechanical Harvest Permit
- SOMA
- SLRP
- UDOC

Appendix VI
Storm & Gear Best Practices

Pg. 30

- Illegal relocation rules understood
- 21-day re-submergence rule understood
- Wet storage rules understood
- Risk assessment done
- Business/insurance docs backed up
- Gear/inventory record kept
- Employee plan + communication plan ready
- Installation / pre-season / in-season / post-storm tasks embedded in Section 5

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Section 1

Applicant

If applying as a business, list business agent information in this section.

First Name		Middle Name		Last Name		Suffix	
Preferred Name				Gender			
				<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Ambiguous			
Mailing Address			PO Box	City	State	Zip	
Physical Address				City	State	Zip	
Home Phone		Cell Phone		Business Phone		Ext	
Email Address	Required.						
Race	<input type="checkbox"/> Caucasian <input type="checkbox"/> African American <input type="checkbox"/> American Indian <input type="checkbox"/> Asian / Pacific Islands <input type="checkbox"/> Hispanic <input type="checkbox"/> Other <input type="checkbox"/> Unknown						
Have you been a legal resident of the state of North Carolina for at least six (6) months?						<input type="checkbox"/> Yes <input type="checkbox"/> No	
Type of Photo Identification Include a photocopy.		<input type="checkbox"/> Driver's License <input type="checkbox"/> State ID <input type="checkbox"/> Military ID <input type="checkbox"/> Resident Alien ID <input type="checkbox"/> Passport					
ID Number				ID Expiration Date			
Are you related by blood or marriage to any person now working for DMF?					<input type="checkbox"/> Yes <input type="checkbox"/> No		
If yes, name and relationship:							
Do you have four or more convictions of DMF fisheries violations in the past three (3) years? If yes, you may not be eligible to apply for permits to operate a shellfish lease.						<input type="checkbox"/> Yes <input type="checkbox"/> No	

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Co-Applicant

Complete if applicable.

First Name		Middle Name		Last Name		Suffix	
Preferred Name				Gender			
				<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Ambiguous			
Mailing Address			PO Box	City	State	Zip	
Physical Address				City	State	Zip	
Home Phone		Cell Phone		Business Phone		Ext	
Email Address	Required						
Race	<input type="checkbox"/> Caucasian <input type="checkbox"/> African American <input type="checkbox"/> American Indian <input type="checkbox"/> Asian / Pacific Islands <input type="checkbox"/> Hispanic <input type="checkbox"/> Other <input type="checkbox"/> Unknown						
Have you been a legal resident of the state of North Carolina for at least six (6) months?						<input type="checkbox"/> Yes <input type="checkbox"/> No	
Type of Photo Identification Include a photocopy.		<input type="checkbox"/> Driver's License <input type="checkbox"/> State ID <input type="checkbox"/> Military ID <input type="checkbox"/> Resident Alien ID <input type="checkbox"/> Passport					
ID Number				ID Expiration Date			
Are you related by blood or marriage to any person now working for DMF?					<input type="checkbox"/> Yes <input type="checkbox"/> No		
If yes, name and relationship:							
Do you have four or more convictions of DMF fisheries violations in the past three (3) years? If yes, you may not be eligible to apply for permits to operate a shellfish lease.						<input type="checkbox"/> Yes <input type="checkbox"/> No	

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Section 2 Business

Complete if applicable.

Legal Name			D/B/A		
Mailing Address		PO Box	City	State	Zip
Physical Address			City	State	Zip
Business Phone		Ext	Email Address Required		
Type of Entity Attach copy of current Articles of Organization/Incorporation.			<input type="checkbox"/> Corporation <input type="checkbox"/> LLC <input type="checkbox"/> Partnership		
NC Secretary of State ID Number					

Associate Name / Email	Authorized for lease communication?
	<input type="checkbox"/> Yes <input type="checkbox"/> No
Associate Name / Email	Authorized for lease communication?
	<input type="checkbox"/> Yes <input type="checkbox"/> No
Associate Name / Email	Authorized for lease communication?
	<input type="checkbox"/> Yes <input type="checkbox"/> No

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Section 4

Site Information

Key Requirements

- The first rent payment is due upon receipt of the executed lease contract.
- All lease sites must comply with applicable USACE regional conditions. Sites located within mapped SAV areas, or where any SAV samples exceed Very Sparse density, are not eligible. Lease boundaries must also remain at least 20 feet from any wetland area, including vegetated marsh.
- Lease sites must be located at least 10 feet from existing natural shellfish beds.
- Lease sites must be at least 250 feet from a developed shoreline unless:
 - a) the applicant or co-applicant is the sole riparian property owner, or
 - b) a signed and notarized riparian owner consent form is provided.
- Lease sites must maintain a minimum separation of 250 feet from any existing or proposed shellfish leases.
- Lease sites may not be located within any marked or unmarked established navigation channel.

Check each box for the type of lease(s) you are applying for.

The non-refundable and non-transferable application fee must accompany each application.

If you are applying for a Water Column Lease and there is no existing bottom-lease footprint, you must apply for both on this application for a total fee of \$300.00.

Bottom Shellfish Lease

Cages and gear may extend no more than 18 inches above the bottom.

\$200.00

Rent: \$10 per acre per year

Water Column Shellfish Lease / Amendment

A water column lease is an amendment to all or part of an existing bottom lease footprint. This lease type is required for floating bags/cages extending more than 18 inches above the bottom or for any other use of the water column.

\$100.00

Rent: \$100 per acre per year

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Site County		Site Waterbody	
Estimated Acreage			
<p>Note: Only acreages consistent with the Shellfish Lease Management Plan, prior lease production history, public-trust use of the area, and other applicable criteria will be approved. Individual lease acreage must fall between 0.5 and 10 acres. Applicants who currently hold more than 5 acres of leases must demonstrate that all existing acreage meets required production standards before a new application can be accepted (15A NCAC 03O .0207).</p>			
Does the shellfish lease site contain known sea grasses or Submerged Aquatic Vegetation (SAV)?			<input type="checkbox"/> Yes <input type="checkbox"/> No
Approximate closest distance to any existing shellfish beds or oyster rocks?			feet
Approximate distance of the proposed shellfish lease from the closest shoreline?			feet
Does the applicant or co-applicant own all shoreline adjacent to the proposed shellfish lease?			<input type="checkbox"/> Yes <input type="checkbox"/> No
Approximate distance of the proposed lease from the closest existing shellfish lease?			feet
Approximate distance of the proposed lease from the closest vegetated marsh?			feet
Approximate distance of the proposed shellfish lease to any marked or unmarked navigational channel?			feet

Proposed Lease Coordinates

Provide three (3) to eight (8) coordinate points for the proposed shellfish lease. Use a handheld GPS receiver with WAAS corrections enabled for best accuracy. Cell phones are not considered accurate GPS devices, and boat-mounted GPS units may introduce positional offset depending on receiver placement. When collecting points, be mindful of where the device is located (e.g., bow vs. stern). For assistance, contact DMF staff. Inaccurate coordinates will delay processing of your application. The lease footprint must be as compact as possible.

Enter coordinates in decimal degrees

(e.g., 34.72334896° N, -76.75634128° W)

and list all points in clockwise order , beginning with the northernmost point:

N	W		N	W
N	W		N	W
N	W		N	W
N	W		N	W

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Section 5 Management Plan

Species to be Grown		
<input type="checkbox"/> Diploid Oysters <input type="checkbox"/> Triploid Oysters <input type="checkbox"/> Northern Quahog / Hard Clams (<i>Mercenaria mercenaria</i>) <input type="checkbox"/> Bay Scallops <input type="checkbox"/> Other		
Capital Investment	\$	Types of Harvest Gears to be Used
Will you require the use of mechanical harvest gear?		
Mechanical gears are not allowed on shellfish leases located in Primary Nursery Areas.		
<input type="checkbox"/> Yes <input type="checkbox"/> No		
If you plan to operate the lease using a vessel, you must obtain and maintain an active Commercial Fishing Vessel Registration.		
CFVR Permit #		

Proposed Shellfish Grow-Out Methods

Please check the grow-out method(s) you propose to use on your shellfish lease, along with the estimated amount of equipment and effort. The applicant is responsible for obtaining any required permits. Floating Upweller Systems (FLUPSYs) are not permitted on shellfish lease sites.

Bottom Methods	Planned Quantity	
<input type="checkbox"/> Predator Netting	Number of Units:	
<input type="checkbox"/> Bottom Bags	Number of Bags:	Dimensions:
<input type="checkbox"/> Bottom Cages	Number of Cages:	Dimensions:
<input type="checkbox"/> Other Bottom Methods	Method / Equipment Type:	
Water Column Methods	Planned Quantity	
<input type="checkbox"/> Floating Bags	Number of Units:	Dimensions:
<input type="checkbox"/> Floating Cages	Number of Units:	Dimensions:
<input type="checkbox"/> Suspended Longline System	Number of Systems:	
<input type="checkbox"/> Anchors	Number / Type of Anchors:	
<input type="checkbox"/> Other Water Column Methods	Method / Equipment Type:	

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Do you plan to harvest oysters anytime during April – September?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Will you operate as a Shellfish Dealer? Shellfish Dealers must obtain certification from Shellfish Sanitation (252-515-5656) and hold a valid DMF Dealer License to operate in that capacity.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Do you plan to move shellfish from your shellfish lease to another lease prior to harvest? A Commercial Fishing Vessel Registration will be required annually for boats used to harvest or transport seafood. The registration is separate from the NC Wildlife Resource Commission’s registration.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Do you plan to conduct pre-harvest activities off-site of your lease?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Shellfish Lease Marking

Shellfish leases must be marked on each corner pole and with proper durable signage which must include all lease numbers, the name of the leaseholder, and 12 vertical inches of reflective tape visible from all directions. Water column leases must also have an additional Caution or Warning sign on each corner pole. Posts greater than 12 inches by 12 inches or 12 inches in diameter require a permit from DCM.

Markers to be Used

Type	Size	Quantity
<input type="checkbox"/> Wood Post 3 – 12 inches		
<input type="checkbox"/> Plastic / PVC Provide diameter		
<input type="checkbox"/> Other Detail composition		

DMF has no duty to protect any shellfish lease or franchise that is not properly marked.

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Land / Dock-Based Facilities

Check all that apply and indicate if these are shellfish lease or land based.

Note: These structures, if proposed, may require a permit from DCM.

<input type="checkbox"/> Dock		<input type="checkbox"/> Raceway / Trays	
<input type="checkbox"/> Floating Upweller <small>May not be located within the shellfish lease.</small>		<input type="checkbox"/> Graders / Sorters	
<input type="checkbox"/> Tank Upweller / Downweller		<input type="checkbox"/> Tumblers	
<input type="checkbox"/> Pumps		<input type="checkbox"/> Storage Facilities, Sheds, etc.	
<input type="checkbox"/> Other			

Bird Mitigation Plan

If you propose floating gear or intertidal gear, describe the mitigation or deterrent measures you will take to minimize the potential pollution impact of birds and/or mammal waste. Please be as specific and detailed as possible.

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Storm Management Plan

Outline your storm management plan below (or attach it to the end of the application) using the template provided in Appendix VI. The plan must address measures to build resilience on the lease, pre-storm preparation, post-storm site inspection, gear recovery, and your plan for replacing poles and signage.

If any product is found off the lease site following a storm, the applicant must contact Shellfish Sanitation at (252) 515-5656 for guidance on appropriate handling procedures. This requirement must be incorporated into the Storm Management Plan.

Installation

Prior to Hurricane Season

During Hurricane Season

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Post-Storm Recovery

Section 6 Site Diagrams

Required Maps and Diagrams

On the following pages, or on separate sheets of 8½ × 11-inch paper, provide clear and accurate drawings or maps that include the three diagrams described below:

1. Location Map

This map must include a north arrow and the coordinates for each corner pole. It must show the proximity of the proposed lease to identifiable markers or landmarks, depict the corner markers of the shellfish lease, and illustrate how the proposed lease relates to the waterbody in which it is located. The base map may not be hand-drawn; however, the proposed lease boundaries may be hand-drawn. Acceptable base maps include screenshots from Google Earth, the DMF Shellfish Leasing Tool, or NOAA online navigational charts. The map must also show the approximate distance to the shoreline.

2. Top View Diagram

This diagram must include a north arrow, the lease corner points, approximate boundary distance measurements, and the proposed configuration and alignment of any aquaculture gear (e.g., floating cages, bottom cages). This diagram may be hand-drawn in black or blue ink or created digitally and printed.

3. Side View Diagram

This diagram must indicate minimum and maximum water depths at mean low water; the maximum height in inches of any bottom structures (including shell, cages, racks, and bags); and the clearance in feet at mean low water above those structures at both the shallowest and deepest portions of the lease. This diagram must be drawn in black or blue ink or created digitally and printed.

Diagrams and maps do not need to be drawn to scale; however, they must be clear, accurate, and easy to interpret. Any modification to the configuration shown in the original maps or diagrams will require resubmission within 30 days. These materials are provided to the U.S. Army Corps of Engineers as part of the joint process for issuing a Prior Construction Notice (PCN).

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Example

Location Map

Insert yours on a separate piece of paper.



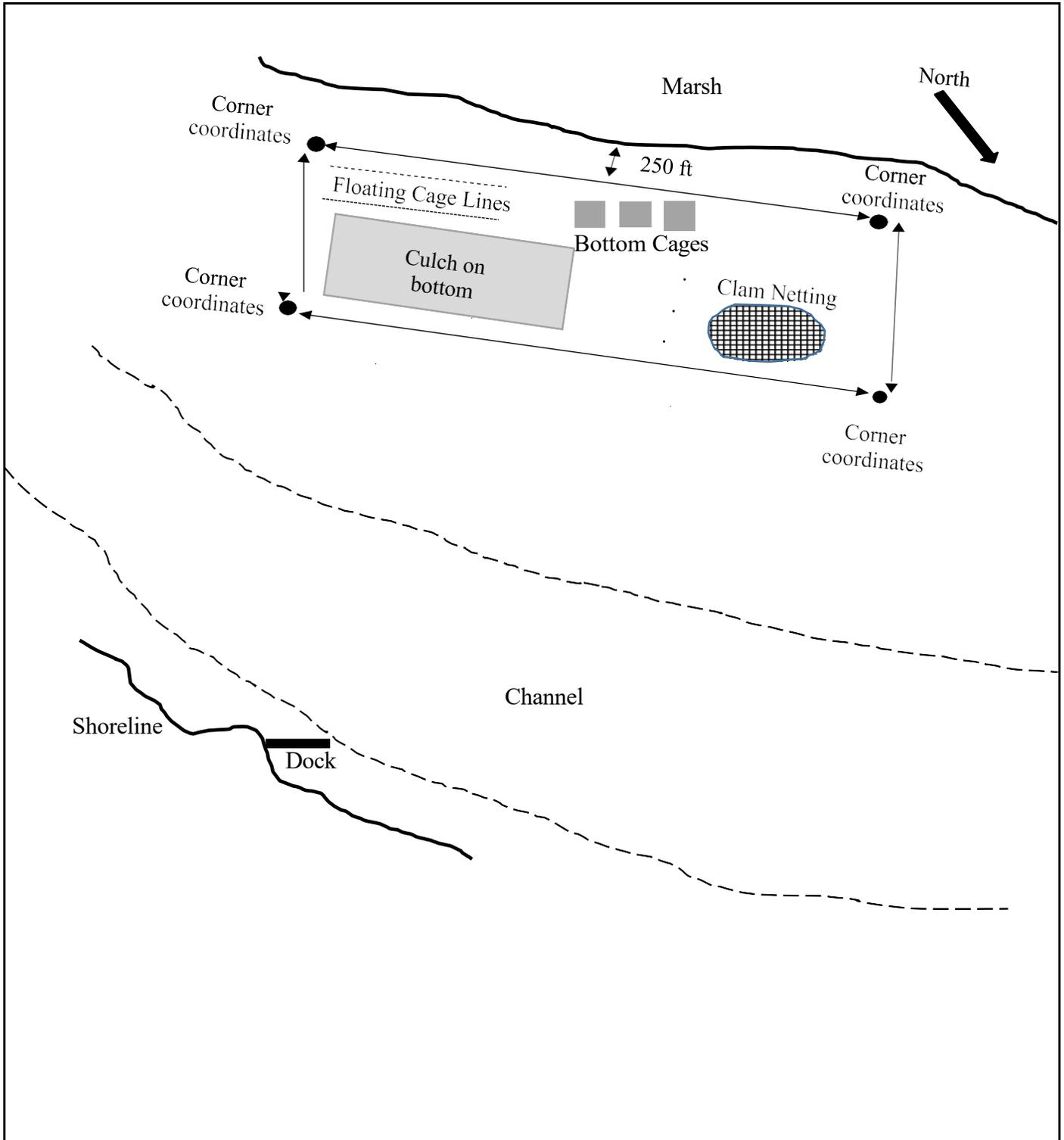
Initials Applicant

Initials Co-Applicant

Example

Top View Diagram

Insert yours on a separate piece of paper.



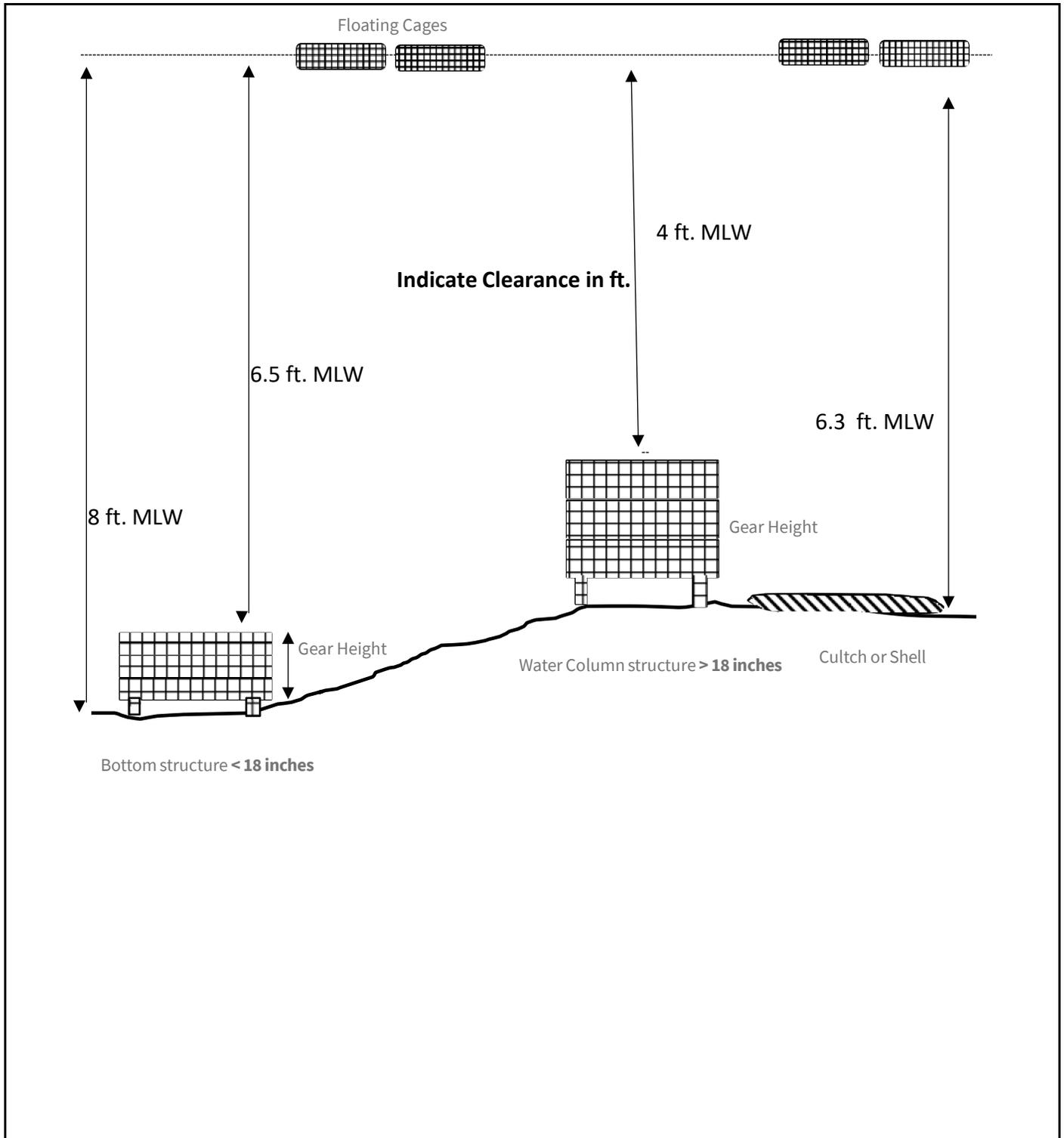
Initials Applicant

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Example

Side View Diagram

Insert yours on a separate piece of paper.



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Section 7 Cleanup Provisions

If your shellfish lease is terminated for lack of production, failure to pay rent, or you simply choose to relinquish the lease, you will be responsible for removing all markers, posts, and aquaculture gear except planted cultch. You will be given 30-day notice to remove all posts, markers, and aquaculture gear and must notify DMF after gear has been removed. If you do not remove the markers, posts, and gear after the 30-day notification, DMF may pursue legal action to have it removed at your cost. These provisions will be included in the lease contract.

You are also responsible for collecting any gear that is displaced due to storm events. It is highly recommended that all shellfish lease equipment be labeled with contact information to facilitate collection in case of storm loss.

By signing, I agree that I have read and understand the Shellfish Lease Cleanup Provisions.

Applicant Signature

Date

Co-Applicant Signature

Date

Initials Applicant

Initials Co-Applicant

Section 8 Final Signature & Notary

By signing below, you (the Applicant) affirm that all information provided in this application is true and accurate, and that you understand and agree to the following:

Acceptance of Provisions

You agree to accept the shellfish lease, if granted, and to comply with all applicable North Carolina Marine Fisheries Commission rules and General Statutes.

Annual Rental Fee

Bottom Lease: \$10.00 per acre
Water Column Lease: \$100.00 per acre

The first year's rent is prorated and must be paid prior to lease issuance. Annual rent is due in advance by July 1 each year. Failure to pay rent on time will result in lease termination.

Commercial Production

You agree to use the lease for commercial shellfish production and to submit annual production reports as required by DMF. Failure to meet required production standards may result in lease termination.

Signatures

Applicant / Business Agent		Co-Applicant / Business Agent	
Name		Name	
Date		Date	

Applicant Signature

Co-Applicant Signature

STATE OF NORTH CAROLINA
COUNTY OF _____

STATE OF NORTH CAROLINA
COUNTY OF _____

I, _____, Notary Public,
hereby certify that _____ personally
appeared before me this day and acknowledged that
they voluntarily signed the foregoing document for the
purposes stated therein and in the capacity indicated.
WITNESS my hand and official seal, this the _____ day
of _____, 20 ____.

I, _____, Notary Public,
hereby certify that _____ personally
appeared before me this day and acknowledged that
they voluntarily signed the foregoing document for the
purposes stated therein and in the capacity indicated.
WITNESS my hand and official seal, this the _____ day
of _____, 20 ____.

Notary Public Signature
My Commission Expires: _____

Notary Public Signature
My Commission Expires: _____

(Seal)

(Seal)

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Appendix I

Process

1. Select a Lease Site

- a. Use the DMF Shellfish Lease Tool (deq.nc.gov/shellfish-lease) or the UNCW Shellfish Benthic Siting Tool (uncw.edu/research/major-programs/shellfish-siting) to view existing leases, local regulations, and other factors.
- b. Visit the location. Confirm conditions (e.g., water depth, substrate) are suitable for cultivating shellfish, and ensure it meets DMF's minimum standards.
- c. Talk to your neighbors. Engaging local riparian landowners or other growers can provide valuable insight and help build goodwill.
- d. Consult DMF Leasing staff for site-related questions or clarifications.

2. Complete the Application

- a. Fill out all pages completely and initial each page to confirm you have read the material.
- b. Submit the application with the non-refundable, non-transferable fee to DMF.

3. Initial DMF Review

- a. DMF processes your fee, checks for completeness, and performs an initial GIS review to ensure compliance with DMF minimum siting standards.

4. Incomplete or Impermissible Applications

- a. If your application is incomplete, illegible, or the location is not permissible DMF will deny it.

5. Temporary Lease Signs

- a. DMF mails temporary corner signs and a letter instructing you to install signs at each corner of the proposed site. These remain until the lease process concludes.

6. Photographic Confirmation

- a. The applicant emails photos of the installed temporary signs to Lease Program staff at SLAP@deq.nc.gov.
- b. No further action occurs until these photos are received.

7. On-Site Investigation

- a. Lease Program staff will visit the site to evaluate the following:
 - i. Compliance with marsh setbacks, channel setbacks, overall occupancy of the waterbody, presence and density of shellfish, and any submerged aquatic vegetation (SAV).
 - ii. Proper placement of temporary corner poles. The corner pole locations must match the exact coordinates provided in the application.

8. Data Report

- a. A biologist compiles the site investigation data in a formal report.

9. Internal Review

- a. The proposed site map, along with the investigation report, is circulated for review by internal DMF staff, DEQ, and other agencies as relevant.

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10. Director's Preliminary Decision

- a. After considering comments, the DMF Director may:
 - i. Approve the application for public hearing as submitted.
 - ii. Modify or condition the application before public hearing.
 - iii. Deny the application outright.

11. Public Hearing Notification

- a. If approved for public hearing, DMF:
 - i. Sends certified mail to riparian owners within 250 feet, giving them 30 calendar days to comment in writing.
 - ii. Runs two public notices in a local newspaper, issues a press release, and notifies DMF proclamation lists.
- b. A public hearing in the county of the proposed lease follows the 30-day comment period. Written or verbal comments are accepted.

12. Director's Final Decision

- a. After the hearing, DMF staff compile comments and submit a summary to the Director.
- b. The Director then:
 - i. Approves the lease as submitted or modified.
 - ii. Approves with specific conditions.
 - iii. Denies the lease.

13. Contract Preparation

- a. Once the application is approved, DMF prepares a draft lease contract.
- b. The draft contract is then submitted to the U.S. Army Corps of Engineers for review as part of the federal authorization process for shellfish leases in North Carolina public trust waters.
- c. Upon completion of the Army Corps review, the contract proceeds to the next stage of approval and applicant execution.

14. Applicant Signature and Rent Payment

- a. The leaseholder reads, signs, and notarizes the contract, indicating agreement to all terms.
- b. The signed contract and rent payment are returned to DMF.
- c. Once the signed contract and required rent are received, the contract is submitted to the Director for final approval.

15. Permanent Signs

- a. The leaseholder installs the permanent signs and submits photos to DMF for confirmation.

16. Final Steps

- a. DMF processes the rent and the Director signs the contract.
- b. A copy of the fully executed lease is mailed to the leaseholder.

Initials Applicant

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Appendix II

Siting

1. Essential Siting Tools

- a. **DMF Shellfish Lease Tool**
deq.nc.gov/shellfish-lease
- b. **UNCW Shellfish Benthic Siting Tool**
uncw.edu/research/major-programs/shellfish-siting

2. Restricted / Prohibited Areas

Leases cannot be sited in or near:

- a. Unsuitable areas for the chosen shellfish species or grow-out method.
- b. Areas closed by Shellfish Sanitation due to pollution.
- c. Within 10 feet of a natural shellfish bed (≥ 10 bushels/acre of shellfish).
- d. Areas with significant Submerged Aquatic Vegetation (SAV) (exceeding USACE NW #48 thresholds).
- e. Water bodies where the lease exceeds one-third the total width, except for bottom-only methods like cultch or clams.
- f. Areas conflicting with traditional uses (fishing, navigation, swimming) or existing enhancement sites.
- g. Zones prohibited by law (e.g., certain management areas).
- h. Recognized Submerged Land Claims without a signed, notarized consent form.

3. Lease Minimum Standards

- a. Compact layout that aligns with the Shellfish Lease Management Plan.
- b. Must respect riparian rights. If within 250 feet of a developed shoreline, a notarized property-owner consent form is required.
- c. Must not be within 250 feet of another lease (including those you own).
- d. Must maintain a 20-foot marsh setback (or 5 feet for bottom-only methods).
- e. Must not exclude the public from lawful activities such as fishing, swimming, or navigation.
- f. Must be marked continuously at all corners with signage meeting DMF specifications (reflective tape or device covering ≥ 12 vertical inches).
- g. CAMA Permit required for any structures exceeding DMF authority (e.g., docks, piers, floating raceways, etc.).

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Appendix III

Management Plan Help

Your Shellfish Lease Management Plan documents your intended aquaculture methods. Once approved, it becomes part of the lease contract. Any changes (e.g., species, gear) require an updated plan and DMF approval.

Useful Resources

North Carolina Sea Grant

Guidance on capital investment, lease sizing, gear choices, seed sourcing.

ncseagrant.ncsu.edu/coastal-and-marine-aquaculture

Carteret Community College – Aquaculture Technology Program

Offers certificates and degrees covering aquaculture, business operations, and finance.

carteret.edu/programs/aquaculture-technology

NOAA Marine Cadastre

Contains AIS vessel traffic data (not for personal watercraft).

marinecadastre.gov/nationalviewer

NC Shellfish Growers Association

Industry networking and resources.

ncshellfish.org

East Coast Shellfish Growers Association

Regional association with best practices, research updates, and legislative news.

ecsga.org

Appendix IV Public Health

Contact Shellfish Sanitation and Recreational Water Quality for up-to-date information at (252) 515-5656.

The following information is to provide awareness of the public health risks with shellfish as well as causes and impacts from temporary and permanent shellfish closures. An illness from your product or growing area closures can have a significant impact on your shellfish aquaculture business. We encourage applicants to review and consider the permanent and temporary closure status where you site your lease and implement safe handling practices.

Because shellfish are filter feeders, they provide valuable water quality benefits by filtering up to 40 gallons of water per day. However, they can also concentrate potential pathogens (bacteria and viruses) that cause illness in consumers, particularly when shellfish are consumed raw or undercooked. The DMF Shellfish Sanitation and Recreational Water Quality Section continuously sample waters to ensure the shellfish harvest areas of the coast are properly classified.

Classification maps showing permanent closure areas can be viewed at:

ncdenr.maps.arcgis.com/apps/webappviewer/index.html?id=5759aa19d7484a3b82a8e440fba643aa

In addition to the permanent closures, heavy rainfall and the resultant runoff, or other events such as septic or sewage failures, chemical spills, etc. may cause temporary shellfish water closures. These events result in heavy pollutant loads washing into growing areas and may close growing areas for days to weeks depending upon the event. No shellfish harvest is allowed during this time.

An interactive map of current temporary shellfish closures can be viewed at:

ncdenr.maps.arcgis.com/apps/webappviewer/index.html?id=5759aa19d7484a3b82a8e440fba643aa

Not all pathogenic bacteria are associated with polluted waters. The National Shellfish Sanitation Program (NSSP) Model Ordinance and the US Food and Drug Administration require safe harvest and handling practices to reduce illness caused by post-harvest growth of *Vibrio* bacteria. Two species of concern are *Vibrio vulnificus* and *Vibrio parahaemolyticus*.

Vibrio bacteria occur naturally in our warm coastal waters and multiply rapidly once shellfish are removed from the water and exposed to warm ambient air temperatures. To decrease the risk of *Vibrio* illnesses, which are rare in NC, Shellfish Sanitation and the DMF have developed Time to Temperature limits for harvesting oysters and clams. Lease holders harvesting oysters from shellfish leases outside of the regular oyster season must document time of harvest and follow restrictions set forth in DMF annual proclamations. Shellfish dealers must also document time to temperature for receiving, storage and shipping.

In some instances, a portion or the entire lease may be closed when the surrounding growing area is later reclassified and permanently closed by reason of pollution. Staff from DMF Shellfish Sanitation and Resource Enhancement work closely to notify lease holders that are impacted by these reclassification closures so they can relay material off before the closure takes place. At this point, the lease may either be relinquished by the leaseholder, or it will either be terminated for lack of production over time, or automatically expire at the end of the contract period and it may not be renewed. No shellfish harvest is allowed once the permanent closure goes into effect.

Subscribe to Fisheries Management Proclamations at:

deq.nc.gov/about/divisions/marine-fisheries/rules-proclamations-and-size-and-bag-limits/fisheries-management-proclamations

Subscribe to Polluted Area Proclamations at:

deq.nc.gov/about/divisions/marine-fisheries/rules-proclamations-and-size-and-bag-limits/polluted-area-proclamations

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Appendix V

Aquaculture Permits

Aquaculture permits provide leaseholders with tools to access public resources and produce and market shellfish while ensuring protection of public health, native species, and habitats. Permits are available at no cost, and it is unlawful to conduct these activities without the proper permit.

For more detailed information, please visit Marine Fisheries Permits website at:
deq.nc.gov/aquaculture-permits

Aquaculture Operations Permit

An Aquaculture Operations Permit (AOP) gives you the ability to harvest product under the size limit for natural wild harvest stock if your product is properly identified with your permit number. AOPs can be altered and amended throughout the year based on changes in gear use and lease operations. This is an annual permit expiring on December 31 that must be renewed prior to the following year to remain in compliance and is required for the operation of all shellfish leases.

Aquaculture Collection Permit

An Aquaculture Collection Permit (ACP) allows for the collecting of protected or out-of-season marine and estuarine species for aquaculture purposes. An application is available for this permit upon request. Please contact Casey Silva at casey.silva@deq.nc.gov or (252) 723-8866 if you would like to obtain an application. You must obtain and maintain an active Aquaculture Operations Permit (AOP) prior to applying for an ACP.

Aquaculture Seed Transplant Permit

An Aquaculture Seed Transplant Permit (ASTP) allows for the transfer of seed from a permitted nursery or hatchery using waters that are classified as Restricted by Shellfish Sanitation. With this permit, oysters must be 25 mm or less and clams must be 12.5 mm or less. You must obtain and maintain an active Aquaculture Operations Permit (AOP) prior to applying for an ASTP.

Introduction and Transfer Permit

An Introduction and Transfer Permit (Intro) is required for the introduction into coastal waters of living marine or estuarine organisms not native to North Carolina; transfer of marine or estuarine organisms which are native, but which originated outside the state's boundaries; holding or maintaining any imported marine or estuarine organisms in a quarantine or isolation system for brood stock, aquaculture, or bait; or selling for bait any live marine or estuarine organism imported into the state. A pathological report on the lot to be shipped is required for issuance of a permit by DMF. Intro permits are good from 30 days from the sample date found on the pathology report. Each test will consist of a minimum of 60 organisms. You must obtain and maintain an active Aquaculture Operations Permit (AOP) prior to applying for an Intro.

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Mechanical Harvest Permit

A Mechanical Harvest Permit (Mech) permit allows the use of mechanical harvest methods on shellfish leases not located within a primary nursery area. This is an annual reviewable permit that runs from July 1 to June 30. Leaseholders may apply for a permit at any time during the year. You must obtain and maintain an active Aquaculture Operations Permit (AOP) prior to applying for a Mech.

Seed Oyster Management Area Permit

A Seed Oyster Management Area Permit (SOMA) permit allows leaseholders to go into designated seed oyster management areas open to relay seed to their leases. This activity takes place from April to October and is limited to 100 bushels per acre of lease. You must obtain and maintain an active Aquaculture Operations Permit (AOP) prior to applying for a SOMA.

Shellfish Lease Restoration Permit

A Shellfish Lease Restoration Permit (SLRP) allows for the transportation of oysters or other shellfish for restoration purposes not related to human consumption from an individual's shellfish lease or franchise to restoration sites. All shellfish lease and franchise activities shall adhere to all Shellfish Sanitation requirements including the most current proclamations until time of transportation of the shellfish for restoration purposes. It is unlawful to use shellfish cultivated on a shellfish lease or franchise for restoration purposes without possessing a Shellfish Lease Restoration Permit issued by the Division of Marine Fisheries. An application is available for this permit upon request. Please contact Zach Harrison at Zach.Harrison@deq.nc.gov or (252) 515-5485 if you would like to obtain an application. You must obtain and maintain an active Aquaculture Operations Permit (AOP) prior to applying for a SLRP.

Under Dock Oyster Cultivation Permit

An Under Dock Oyster Cultivation Permit (UDOC) allows a dock owner to attach oyster cultivation containers under his dock, following specific permit conditions, to grow oysters for personal consumption. The dock or pier cannot be located in an area closed to shellfish harvest. Owner must satisfy training requirements established by the Marine Fisheries Commission prior to issuance of permit. Reporting requirements must be met yearly. Sale of oysters is prohibited. An application is available for this permit upon request. Please contact Casey Silva at casey.silva@deq.nc.gov or (252) 723-8866 if you would like to obtain an application.

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Appendix VI

Storm & Gear Best Practices

Adapted from FDACS and UF Resource Guides

- Relocating gear and product off lease into public waters is illegal and will result in product confiscation, permit revocations, and fines.
- Relocating gear or product to another lease outside of the growing area requires resubmergence for 21 days and proper resubmergence tagging (please refer to SS1/SS2 for guidance). The receiving lease must be permitted properly to accommodate any additional gear.
- Relocating shellfish greater than seed size (clams 12mm in length, oysters 25mm in length) to another lease in a different growing area requires resubmergence for 21 days, proper resubmergence tagging, and recording of resubmergence activities in a logbook (please refer to proclamations SS-1/SS-2).
- When relocating gear to another lease, the receiving lease must be permitted properly to accommodate any additional gear.
- Moving product to a land-based cold or wet storage is only allowed by prior approval and permitting by Shellfish Sanitation as a certified shellfish dealer with wet storage permit (as applicable).

Assessing Risks

A farm's vulnerability to risks, such as wind, storm surge, and flooding, can be assessed by reviewing previous storm trends near the farm's location. The NOAA National Hurricane Center, www.nhc.noaa.gov, has storm information (wind speed and direction, pressure, landfall) archived since 1900, which can be used to determine prevailing patterns for different growing locations. By reviewing characteristics of previous storms that have made landfall near the farm, growers can consider what they would have done to prepare and what should be included in their plan.

Preserving Business Information

Important information that must be safeguarded should be identified in the plan. A list of insurance policies and financial documents should be kept current along with locations where these documents are stored. Most of this information can be stored electronically; however, hard copies of important documents may be useful in the event of power outages. It may be prudent to duplicate some documents and keep them in different locations.

Maintaining Farm Records

Farm information, such as coordinates, maps, and diagrams of layout and gear, should be included in the plan and available immediately after the storm. Timely inventory records (number of culture units and estimated quantity, age, and sizes of oysters) should also be included. Maintaining a spreadsheet with this information is important for record-keeping required by insurance policies, business loans, or crop disaster assistance programs, such as the U.S. Department of Agriculture (USDA), Farm Service Agency's Noninsured Crop Disaster Assistance Program (NAP). Oyster inventory apps, such as Oyster Tracker or SmartOysters, are available and recommended. Inventory records should also include vehicles, boats, and motors, as well as equipment used on farms (tumblers, pressure washers, cranes, or winches, etc.), at shore-based seed facilities (tanks, pumps, filtration systems, etc.), or at shellfish processing plants (forklifts, refrigerated units, etc.). Photographs and videos with time stamps of both water and land-based operations can provide timely and critical documentation.

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Farm Employees

The plan should have information available for farm employees, such as an operational plan identifying essential personnel, services, and equipment, re-opening protocols, records storage, and agreements with suppliers and contractors. Information on evacuation routes, reentry requirements, shelter-in-place plans, and alternative reporting locations could be included. It is important to know how many people will be needed to implement the storm plan and who will help as a storm is approaching. Farm employees should be able to implement the storm plan themselves and be cross trained in tasks outside their normal job duties to assist with securing gear.

Maintaining Communication

An emergency contact list (electronic and hard copies) for key personnel and businesses providing services to the farm and its customers should be developed and phone numbers kept current. Phone numbers for employees to call for information should also be included. Another communication component could be developed for the media, customers or public with predetermined messages and messaging platforms.

Maintain Insurance Policies

The time to review insurance policies for the business is prior to the hurricane season to ensure there is adequate coverage for flood, wind, fire, theft, general liability, catastrophic loss, loss of income, and product liability. Insurance agents should be contacted to review coverage.

Storm Preparedness Plan Blueprint

Items in yellow apply to floating bags, items in blue apply to floating cages. Items in white apply to all intensive gear types.

Installation

During installation of the farm, there are several important considerations.

1. Assess the site's exposure to storms as a primary factor in site selection.
2. Orient main lines parallel to prevailing winds and waves.
3. Choose an anchoring system suitable to the bottom type.
4. Install substantial, durable anchors (buried to at least 5 feet depth) that will hold in the farm's bottom substrate in the strongest storms.
5. Bury anchors (typically helical metal screw anchors) fully in the sediment to reduce projection above the sea floor, corrosion, and tangling hazard.
6. Invest in durable main line that meets the supplier's recommendation with some protection from chafing at friction points (e.g., anchor attachment).
7. Allow sufficient spacing between lines to ensure bags do not collide in bad weather.
8. Use a system that will reinforce the bag to reduce chafing at friction points.
9. If floats have removable caps, invest in and practice with a system, such as a mechanical davit or a compressor to fill floats with air (with a back-up system in place), that allows for safe and efficient sinking and re-floating of bags.
10. Invest in and practice with a system, such as a mechanical davit or a compressor to fill the floats with air (with a back-up system in place), that allows for safe and efficient sinking and re-floating of cages.
11. Place identifying tags on each bag.

Prior to Hurricane Season

Prior to the onset of hurricane season, oyster farmers should take these steps to reduce the risk of losses.

1. Check stocking densities and reduce as necessary (though some farmers have had success by overstocking bags to achieve neutral buoyancy just prior to a storm).
2. Check biofouling and control on a routine basis.
3. Check all lines for chafing (especially near the clips) and repair as needed.
4. Check all bag clips are secured and in good condition at attachment points.
5. Have crew conduct timed practices to gauge time needed per line to prepare for a storm.
6. For shoreside operations, pick up loose pieces of equipment and secure bags to reduce loss from flooding and wind.
7. Review storm plan with crew and family so they can account for personal preparations alongside farm preparations.
8. Maintain appropriate stocking densities so that cages are not crowded and heavy.
9. Air dry cages to control biofouling on a routine basis.
10. Make it a habit to check bridles and lines when flipping to ensure lines do not get tangled.
11. Check all door closures to ensure that the attachments are secure and not worn.
12. Have extra caps on hand in workboat.
13. Remove empty cages from the line, as these are prone to come off the line in bad weather.

During Hurricane Season

A tiered approach to preparation, which has been adopted in each fact sheet, allows growers to stage tasks based on the storm or hurricane's track forecast. The authors developed the following color codes to address increasing levels of concern and actions.

Code Yellow

Once a hurricane or tropical storm is projected to impact North Carolina, it is time to begin preparations according to the farm's plan. Note that the timeline is fluid and will depend on the storm's speed and track.

1. Re-check stocking densities and reduce as necessary. If opting to overstock bags to achieve slightly positive buoyancy, ensure stocking is appropriate.
2. Farmers opting to sink their bags below the surface but still float off the bottom by overstocking bags should consider taking this step now.
3. Re-check all lines for chafing (especially near the clips) and repair as needed.
4. Ensure all bag clips are secured and in good condition.
5. Secure any empty bags on shore or on lines.
6. Document the condition of the farm with dated photographs and notes.
7. Document the numbers of various sizes of oysters.
8. Review workboat(s) plan.
9. Re-check that all bridles and pucks are in good condition.
10. Re-check that all bag and cage closures are in good condition.
11. Consider consolidating all small seed (e.g., seed held in 2 mm bags) to one section of cages so that you can re-float those cages first once the threat has passed.

Code Orange

Once a hurricane or tropical storm watch has been issued, final preparations should begin. In the case of a fast-moving storm, proceed with tasks associated with final stages of preparation.

1. Sell product as market allows.
2. Track the storm's progress frequently and carefully. When assessing whether to sink bags, keep in mind the amount of time necessary to carry out the sinking operation. Farmers should also weigh the risks of bags and oysters being buried in the substrate.
3. Remember that the day before the storm is to make landfall, farmers should not plan to be on the water. They will need that day for other preparations, and the weather will likely not allow for it.
4. If weather conditions do not warrant sinking bags, consider adding slack to anchor lines to allow for storm surge. Alternatively, some farmers opt to tighten their mainlines to pull bags under the water surface.
5. If weather conditions warrant sinking bags, remove both floats from bags and allow them to rest on the bottom or remove one float or alternate floats to partially or completely submerge the bags to keep them just above the bottom. Store floats safely onshore.
6. For systems that have floats with caps, remove caps from floats or alternate floats and ensure all air from floats is removed when sinking.
7. Some growers suggest replacing caps on floats (once all air is removed) to prevent sediment from filling the floats (though this may depend on sediment type). This adds considerable time to preparations.
8. Prepare to implement workboat(s) plan.
9. Ensure all air from floats is removed when sinking and walk or dive over the cages to be sure the pontoons are down, with adjustments made as needed.

Reminder

It is illegal to relocate gear and product outside the boundaries of your shellfish lease unless they are being relocated to another, properly permitted shellfish lease

Code Red

When a hurricane or tropical storm warning has been issued and there is a high probability of being in the path of the storm, farmers must conclude final preparations if and only if they can be accomplished safely. Farmers will make a series of personal risk assessments.

1. Conduct last check of farm.
2. Implement workboat(s) plan.
3. Get to safety.

Post-Storm Recovery

Oyster growers and their employees must be ready to take care of the needs of the farm as soon as it is safe and reasonable to do so. After a storm has passed, the following tasks should be considered.

1. Assess risk of returning to farm and proceed only when safe.
2. Patrol the area upstream and downstream of the farm for significant debris that could entangle or dislodge gear once it is raised and remove or secure debris.
3. Document the condition of the farm with dated photographs and notes.
4. For shellfish product that has been transported off the lease as a result of the storm, contact DMF Shellfish Sanitation Section staff for guidance.
5. Refloat bags as soon as practically possible by adding flotation and/or reducing stocking densities.

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6. If caps were removed from floats, use systems designed for this task, with bags lifted from reinforced points, allowing water to drain out the end caps and being careful to work any bags out of the sea floor if necessary.
7. If necessary, use an on-board washdown hose to rinse sediment off the bags or out of floats and recap once washed down.
8. Assess and document oyster survival, gear condition, and losses.
9. Once mortality risk has passed, resume normal biofouling regimen.
10. Communicate with public agencies about closures and effects of the storm.
11. Communicate with buyers and suppliers to provide situation and outlook reports.

Mail the completed application and non-refundable fee (postmarked by August 1, 2026) to:

NC Division of Marine Fisheries
Attn: Shellfish Lease and Aquaculture Program
PO Box 769
Morehead City, NC 28557



Legal Disclaimer

Submitting this application does not guarantee approval. Every submission is reviewed according to North Carolina General Statutes and Division of Marine Fisheries (DMF) regulations. Incomplete applications may be rejected.

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