



Application for a Cultivated Oyster Mariculture Grow-Out Facility (Farm) Permit

Applicants are strongly encouraged to coordinate with Texas Parks and Wildlife Department (TPWD) before completing the natural resource survey and Cultivated Oyster Mariculture (COM) permit application. During this pre-application coordination, TPWD will evaluate your proposed site using the department's Spatial Planning Tool, which can help avoid investing effort into a site that may be denied during the permitting process.

The application process should be considered a two-step process, first step to get a Conditional Permit and second step to get the Final Permit. If you have questions about the application or permitting process, please email us at oyster.mariculture@tpwd.texas.gov

Step 1 – Conditional Permit

- Select your site (again, we encourage you to consult with TPWD).
- Conduct the Natural Resources Survey of proposed site.
- Prepare your answers to the application questions about your Operations Plan, gear, and maps.
- Apply on-line and submit a non-refundable COM Application Fee (\$200):
- Upon receipt of application documents and fee, a TPWD COM Official will review the application and get in-touch with you about any changes or clarifications needed.
- A public meeting will be held by TPWD to provide an opportunity for public comments regarding the proposed oyster mariculture site. The meeting will be held in the municipality closest to the proposed site and/or virtually.
 - Information on the meeting will be made available through the posting of site-specific information on the TPWD web site.
 - The applicant must also post a meeting announcement in a local daily newspaper at their own cost and provide proof of doing so to TPWD.
- After the review and consideration of public comments, applicants will be issued a Conditional Permit that authorizes them to proceed to the second step in the application process.
- Construction and COM activities are NOT allowed until the Final Permit has been issued.

Step 2 – Final Permit

- Step two of the process involves obtaining any required permits, leases, and/or written approvals for conducting oyster mariculture activities from other agencies (see below). Many of the agencies will ask you to provide a copy of your Conditional Permit to issue your documents.
- When you have acquired an appropriate documentation, you will submit it via the on-line application portal.
- After all the documents have been submitted and the department has reviewed them, applicants will be notified, in writing, of their permit approval.
- The first year's annual permit fee will be due at this time (see fee schedule below).
- Once payment is received you will be issued a copy of your permit and boat plates mailed to you.

Annual Permit Fees (paid yearly on your issuance date)

- Grow-out site
 - \$450 per acre in public waters
 - \$170 per acre on private property

Non-TPWD Authorizations List

Final authorization of the COM Permit is contingent upon receiving the appropriate permits, leases and/or written authorization for oyster mariculture activities from the following agencies (*These documents should be obtained **after the Conditional TPWD COM permit is issued***):

- Texas General Land Office Lease (Surface Lease, Commercial Pier Lease, etc.):
- Texas Commission on Environmental Quality – wastewater Aquaculture General Permit TXG130000 Authorization (Copy of TPDES Level V Certificate)
- Texas Commission on Environmental Quality – water rights (Completed and signed Exempt Mariculture Operation Form 10219, if pumping water)
- Texas Department of State Health Services – Shellfish Certification, if acquiring
- U.S. Army Corps of Engineers – Nationwide Permit 48 Designation
- U.S. Coast Guard Private Aids to Navigation Marking Determination

Agency Contacts

- Texas General Land Office
 - o Permitting Assistance
 - Permitting.assistance@glo.texas.gov
 - 866-894-7664 (Toll Free)
 - o Programmatic Questions
 - Danielle DeVacque
 - 361- 886-1611
 - Danielle.DeVacque@glo.texas.gov

- Texas Department of State Health Services
 - o Seafood and Aquatic Life Group
 - Seafood.Regulatory@dshs.texas.gov
 - 512-834-6757

- Texas Commission on Environment Quality
 - o Wastewater
 - Mónica Vallin-Báez
 - Industrial Wastewater Permits Team - Water Quality Division 512-239-5787
 - Monica.baez@tceq.texas.gov
 - o Water Rights
 - Chris Kozlowski
 - Water Rights Permitting Team - Water Availability Division 512-239-4691
 - Chris.kozlowski@tceq.texas.gov

- U.S. Army Corps of Engineers
 - o Regulatory Email: CESWGRRegulatoryInbox@usace.army.mil
 - o Upper Coast Applicants: 409-766-3869
 - o Lower Coast Applicants: 361-814-5847

- U.S. Coast Guard
 - o Timothy Boriskie
 - Private Aids to Navigation
 - D8oanPATON@uscg.mil

Cultivated Oyster Mariculture Grow-Out Application Elements

APPLICANT AND SITE INFORMATION

You will need to provide information about yourself and business including date of birth, Social Security number, Driver's License number, e-mail address, primary phone number, mailing address, and Facility/Business name.

For the proposed site you will need to know the bay system, Shellfish Harvest Area, closest town, county, and how many acres in Public Waters and on Private Land. You will also have to enter the corner coordinates of your proposed location (in decimal degrees with a minimum of five decimal places).

MAPS

You will need to upload the following maps in the portal. Please title appropriately. Examples of these maps can be found in Appendix A:

1) Vicinity Map

Attach an accurate 8-½ by 11-inch map of the site with a background of either the County Appraisal District map, NOAA chart, aerial imagery (Google Earth Image), or topographic map, with a maximum scale of 1:24,000 (USGS Quad Sheet). The Vicinity Map should show the location of the proposed permit area and the surrounding waters and adjacent properties.

Mark the entire boundary, including the corners, of your proposed permitted area on the map, ensuring that the area is easy to identify. See example pages.

2) Access Route Map

Attach an accurate 8-½ by 11-inch map of the site with a background of either the County Appraisal District map, NOAA chart, aerial imagery (Google Earth Image), or topographic map, with the planned access route to the site clearly drawn.

*** If the access route is included on the Vicinity Map, a separate Access Route Map is not required***

3) Site Layout Overhead View Map, include

- a. Maximum gear array, including moorings
- b. Length and width of project area
- c. Approximate spacing between gear
- d. Permitted area boundaries, location of proposed corner markers and any additional gear markers that may be used

4) Site Layout Cross-Section View Map, include

- a. Profile of gear in cross-section as it will be deployed
- b. Gear dimensions with units (10 in, 10-ft, etc.)

- c. Show mooring gear with type, scope (length), hardware, and line type and size (diameter)
- d. Location of gear in relation to water's surface at mean low water
- e. Note: Please include an additional cross-sectional view, depicting the elements above, if there will be seasonal changes to gear layout, including any temporary gear submersion activities during hurricane events.

GEAR INFORMATION

Provide information on all gear (cages, bags, trays, moorings, mooring lines, buoys, etc.) that will be used at your farm/facility. Some gear will need to have drawings/photos. For each piece of gear, you will make an entry with the information on:

- Gear Type
- Make and Model
- Dimensions

These entries will be put into a table that is included in your permit and will be used during yearly inspections and other checks of your site. Only gear listed in the permit will be allowed on site.

- Gear drawings/photos:
Top and cross-sectional view of each gear type that will hold oysters in your permitted area. If gear is to be purchased, please provide the brand and model number of each piece of gear provided. See Appendix A for examples.

OPERATIONS QUESTIONS

The answers to the following questions and information about your gear should give a good overview of your operations plan. It would be best to draft answers to each question in a document before entering the application portal, so that you can copy and paste your answer into the question box. There will be an option to save your application as a draft if you need to take a pause from the application portal and come back to the questions.

Question 1 – Please describe how the gear presented the Gear Table is configured and operated. E.g., how do buoys, anchors, and cages attach to mainline? If using floating cages, are bags inserted into cages? This information can be supplemented by product brochures describing the operation of the gear, if so please indicate.

Question 2 - Please describe your proposed tending/maintenance and harvesting activities (i.e., elevating or flipping cages, methods for cleaning cages or raceways, tumbling, sorting,

and harvesting, etc.). Please be sure to include the following information: will gear be tended from boat or by wading, the frequency with which you will visit the site for routine tending/maintenance (elevating or flipping cages, cleaning cages, tumbling, sorting, etc.), and how frequently you will visit the site for harvesting. Finally, please describe how you will comply with current pre-harvest re-submersion stipulations.

Question 3 – Please describe how gear will be tagged. What material will be used and how will tags be affixed to the gear?

Question 4 - Please explain your proposed seeding/stocking activities. What months will seeding/stocking occur and how often do you anticipate being onsite during this time? What quantity of seed are you planning on stocking and how often?

Question 5 – Please provide information about the expected source of oyster seed to be cultivated. Include name and address of source hatchery or hatcheries. Include the bay system of origin of the broodstock. If the hatchery does not currently have the broodstock, please describe how the broodstock will be collected and sent to the hatchery. Please include whether you will be using diploid or triploid oysters. If using triploids, please note the method of triploid creation (induction or cross with tetraploid). If the seed is coming from an out-of-state hatchery, where will it be sent for pathogen testing?

Question 6 – Please describe your response plan if disease is identified in your farm. What will be done with diseased oysters? Note; if disease conditions other than dermo are identified within the farm, TPWD must be notified within 24 hours.

Question 7 – Please describe your plans for the sale of your product. Do you plan on selling to a Certified Shellfish Dealer, or will you be seeking a wholesale certification license from the TDSHS for the direct sale of your product?

Question 8 – How will you access the proposed site? If from the adjacent shore, please describe how you will avoid negative impacts to sensitive shoreline habitats (if present). This description should be consistent with your Access Route Map.

Question 9 – How will your proposed activities affect ingress and egress of adjacent property owners? How far is the proposed site from the emergent shoreline?

Question 10 – Please provide details of your Hurricane/Tropical Storm Plan. Plan should include management details for the protection of all equipment and oysters within your permitted area beginning 72-hours before projected landfall. Plan should include what specific factors will be considered when deciding to execute the plan (e.g. what triggers will be used for sinking the cages? Hurricane Category? Cone of Impact? etc.)

Question 11 – Please describe any predator or bird deterrents you will use. How do you plan to mitigate or minimize the potential pollution impact of birds? Predator deterrents should also be included in the gear list and gear drawings. Note – only deterrents that are listed and approved in the operations plan will be allowed; a permit amendment will be

required for additional predator deterrents.

Question 12 – Please describe the gear (buoys, anchor, line, pilings, etc.) that will be used to demarcate the site boundary.

ADJACENT PROPERTY OWNER'S LIST

If there are any adjacent property owners within 1,000-ft of the proposed site, you will be asked to provide a list of the names, addresses, and lot number, as shown on the latest county tax assessment roll.

NATURAL RESOURCES SURVEY

The Natural Resource Survey is designed to verify that the proposed permit area does not contain sensitive habitat such as seagrass, oyster habitat, etc. Survey protocols and required deliverables can be found in the Natural Resource Survey PDF on the Texas Cultivated Oyster Mariculture website:

https://tpwd.texas.gov/fishboat/fish/commercial/com_cf/com_index.phtml

Create a summary of survey findings document that includes:

- Who collected the data
- What date/time the data were collected
- What the environmental conditions were at time of collection (wind speed, wave height, rainfall, etc.)
- What type of equipment was used to collect the data and any appropriate specifications
- The horizontal datum used for all spatial data and/or GPS coordinates
- A narrative description of the general conditions at the site (including water depth), as well as a report of how many samples contained shell or seagrass materials, and the general location within the site where these materials were found.

Once you submit your application you will be contacted by a TPWD COM Official and given a link to up-load full survey files.

Application Submission Checklist

Please note: This checklist is provided for the applicant's reference

I. Content

- ___ Applicant and Site Information
- ___ Maps
 - ___ Vicinity map with required items shown, containing a drawing of the site boundary.
 - ___ Access Route map, showing the access route to the site (can be combined with Vicinity Map)
 - ___ Site Layout Overhead View Map, with an overhead view depicting the layout of the gear across the proposed site
 - ___ Cross-section view depicting gear and moorings from the side
- ___ Gear
 - ___ Gear information
 - ___ Gear drawings or diagrams
- ___ Answers to Questions 1-12
- ___ Names and addresses of adjacent property owners (if needed)
- ___ Summary of Findings from Natural Resource Survey

II. Formatting

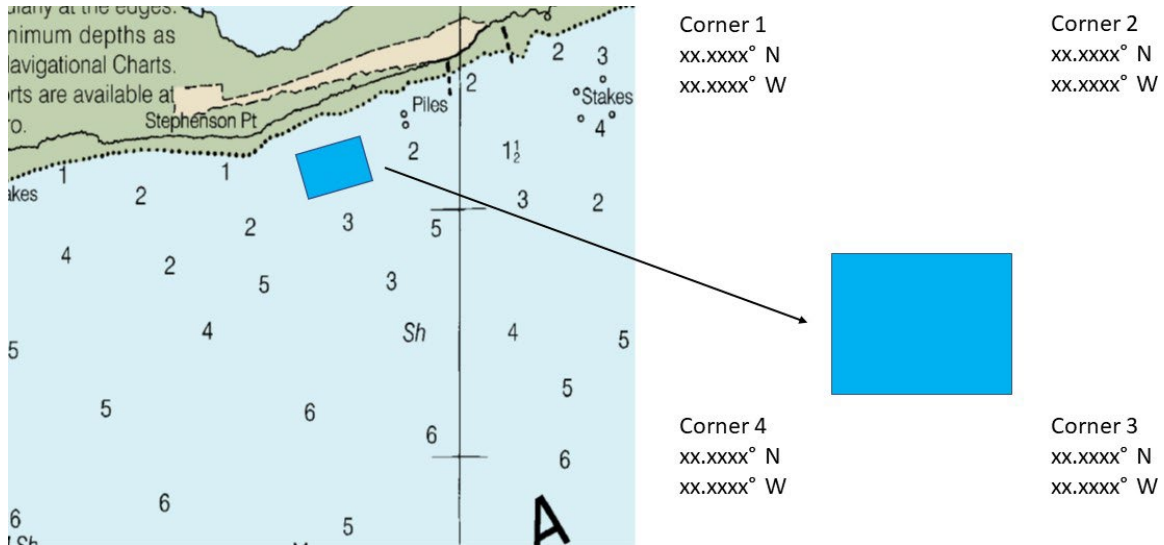
- ___ Preferred file types for your narrative documents are PDF (if using Word you can Save As a PDF)
- ___ Files must be under 10MB each. If your files size can not be reduced or broken up into two files, you will be able to upload at the same link we provide you for your Natural Resource Survey files
- ___ Give files clearly labeled names.

Appendix A: Examples

The following are examples of the various diagrams that must be included in your application. These diagrams can be hand-drawn on paper (and scanned) but must be legible.

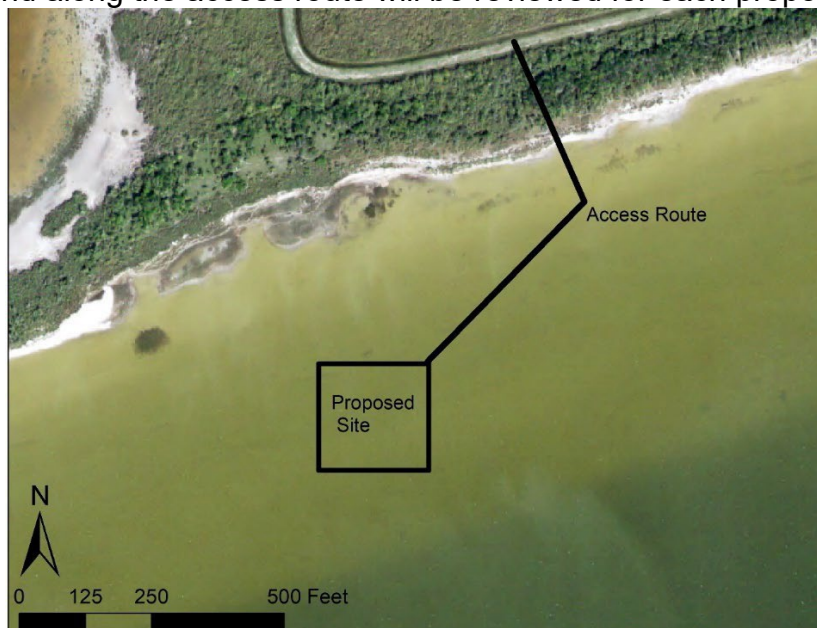
Example 1: Vicinity Map

Corner numbering should start at the NW most point and move in a clockwise direction. Number designation here should also be consistent with your cross-section diagrams.



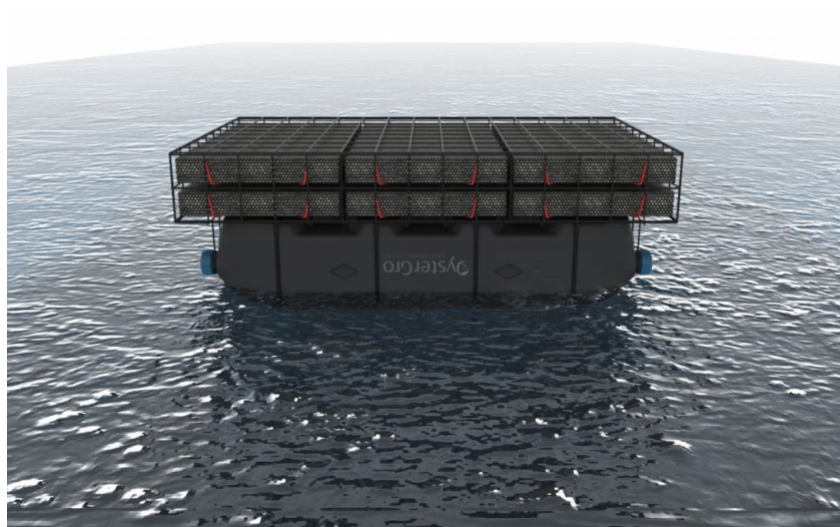
Example 2: Access Route Map

Note how the access route is planned to avoid tidal flats, salt marshes and seagrasses that are in the vicinity (to the northwest) of the site. The impact to natural resources within the site footprint and along the access route will be reviewed for each proposed site.



Example 3: Gear Information

An example photo/drawing of a cage and oyster grow bag



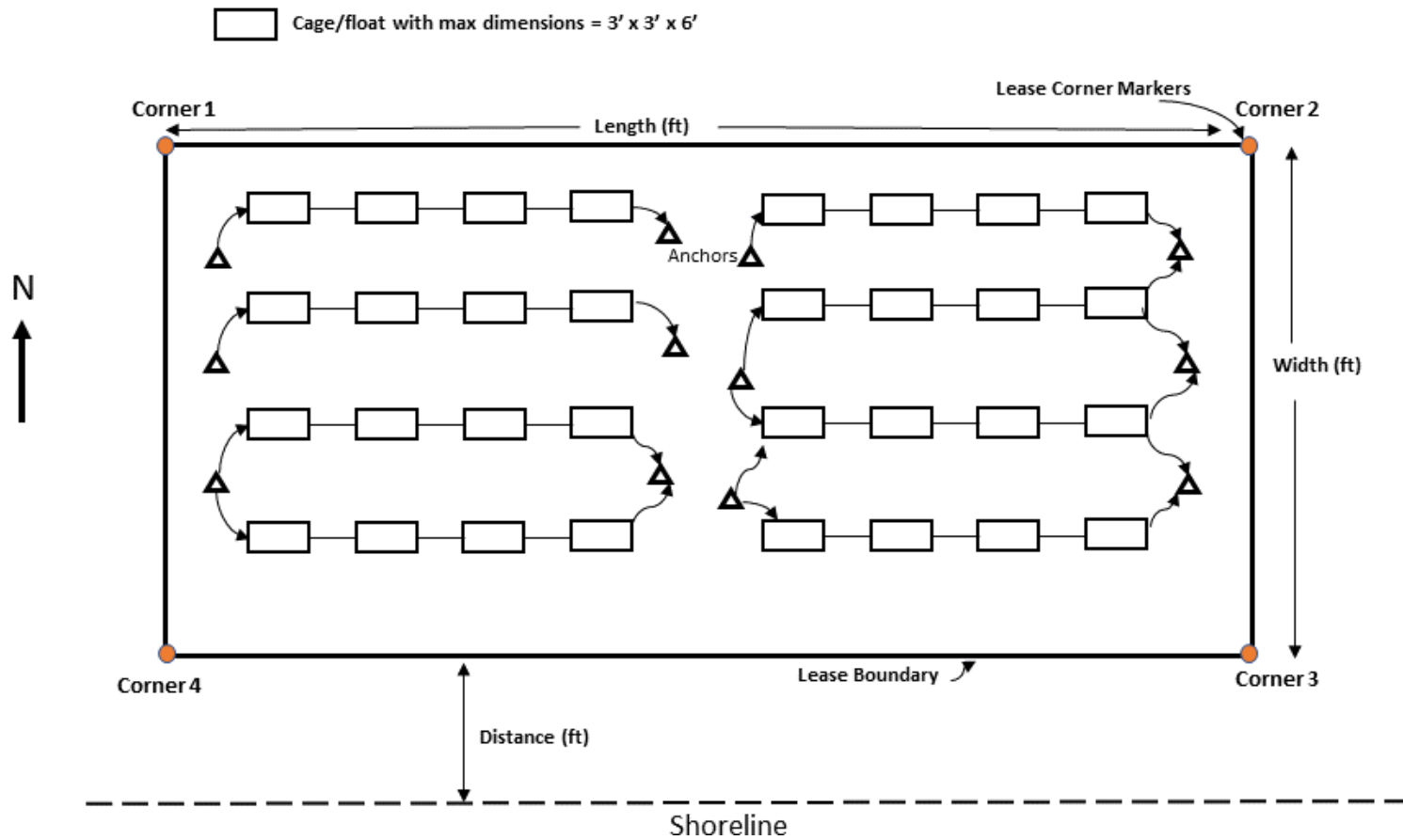
Example 4: Site Layout Map - Overhead

*Note how the maximum gear array is displayed and not a subset of the proposed site.

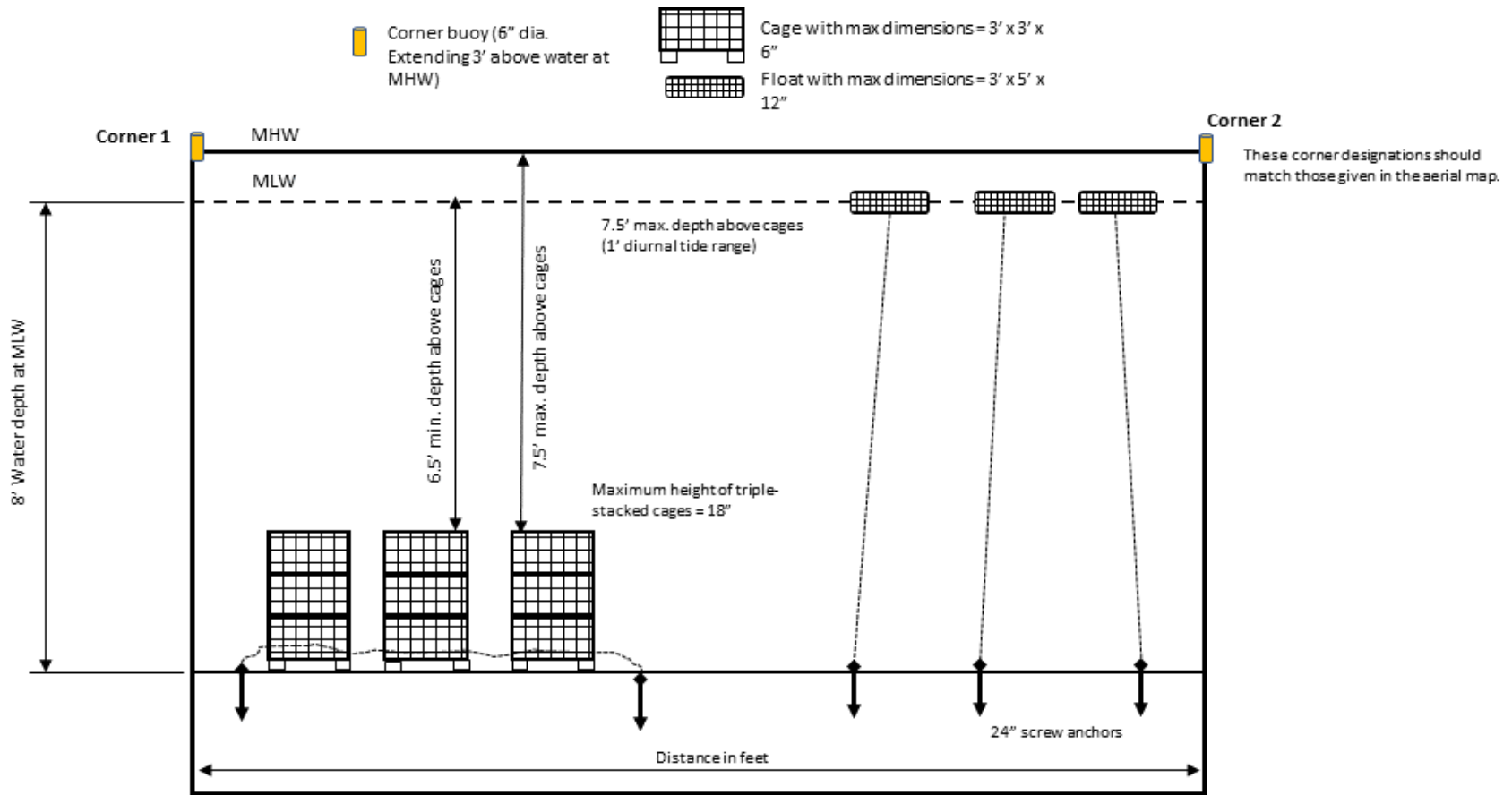
Spacing between individual cages/racks/floats: ___ feet

Spacing between arrays of cages/racks/floats: ___ feet

Maximum number of cages/racks/floats to be used: ___



Example 5: Cross-Sectional View Map, floating cages



MHW = mean high water

MLW = mean low water

Example 6: Cross-Sectional View Map, adjustable long line system

