

Oyster Aquaculture Submerged Lands Leasing Fact Sheet



A L A B A M A

*Responsible Agency:
Alabama Department of Conservation and
Natural Resources – State Lands Division (DCNR)*

Leasing Fees & Rental Payments:

Riparian Easement:

- Annual fee of a fixed rate determined by DCNR but not less than \$250 per acre (statutory minimum; actual fees fluctuate, tied to Consumer Price Index).

All Other Easements:

- Annual fee of a fixed rate determined by DCNR but not less than \$250 per acre (statutory minimum; actual fees fluctuate, tied to Consumer Price Index).
- Where competitive market exists, easement will be charged via competitively bid but not less than \$250 per acre.

Aquaculture Easement Requirements:

- Activity must be water-dependent;
- Activity must be directly related to shellfish aquaculture;
- Project must be designed to minimize or eliminate adverse impacts on fish and wildlife habitats;
- Application must include:
 - Statement as to why easement is in the public interest, or at a minimum, not contrary thereto;
 - Description of aquaculture activities including gear type, expected density, and purpose;
 - Description of potential impacts on the ecology of the area;
 - Names and addresses of adjoining property owners; and
 - Statement of applicant’s capabilities to conduct the proposed activities.
- Non-riparian easements cannot be larger than 5 acres (exceptions for extenuating or mitigating circumstances).

Additional Provisions for Nearshore Easements:

- Proof of sufficient upland interest in riparian uplands;
- Must be setback 10 feet from riparian lines of adjoining upland riparian owners riparian use area.
 - This setback requirement can be waived by letter of concurrence from adjoining owner.

Additional Provisions for Easements with Upland Aquaculture-Related Structures:

- Detailed description of project design and all operations;
- Detailed and dimensioned site plan drawing showing:
 - Applicant's upland parcel property lines and zoning restrictions;
 - Location of wetland, shoreline and aquatic vegetation, and other submerged resources;
 - Location of the nearest natural or artificial navigation channel;
 - Location of proposed structures and pipelines, pumps, culture units, and tanks; and
 - The approximate mean or ordinary high water line.

Distinctions between On-Bottom and Off-Bottom Culture:

Alabama provides that aquaculture easements can be granted for use of state-owned submerged lands and the overlying water column.

Other Restrictions on Aquaculture Activities:

- Cannot infringe upon existing riparian rights;
- Cannot unreasonably interfere with navigation: no closer than 100 feet from a marked navigation channel;
- Cannot cultivate non-indigenous, or hybrids of non-indigenous, plants and animals;
- Cannot significantly restrict public access for boating, swimming, and fishing;
- Cannot assign, sublease, or transfer easement in any manner, in whole or in part, without prior written approval of DCNR;
- All easement areas must be marked in accordance with DCNR regulations in manner adequate to inform public of activity and identify potential hazards;
- Must comply with applicable best management practices, if any, for specific shellfish aquaculture activity;
- Must obtain all required permits and approvals from Federal, state, and local governmental agencies, as a prerequisite for the issuance by DCNR of a written Notice to Proceed under the easement. No activities pursuant to any easement shall commence prior to issuance of the Notice to Proceed.



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