

# Oyster Aquaculture Submerged Lands Leasing Fact Sheet



M I S S I S S I P P I

*Responsible Agency:  
Mississippi Secretary of State*

## Leasing Fees & Rental Payments:

- Application Processing Fee: \$150.00 non-refundable
- Annual Rental Fees: \$25.00 per acre or more (based on negotiations)

## Aquaculture Lease Requirements:

- Description of aquaculture activities to take place on the parcel;
- Statement of why the lease is in the public interest and impacts of the proposed use on the public trust tidelands;
- List of all littoral or riparian owners adjacent to the property;
- Casualty insurance policy (proceeds to be used for salvage operations in the event of catastrophic destruction);
- Leased area must provide reasonable public access for boating, swimming and fishing, unless it will interfere with the cultivation.

## Distinctions between On-bottom and Off-bottom Culture:

Mississippi regulates oyster aquaculture activities based on three categories: off-bottom culture, on-bottom culture in nearshore waters, and on-bottom culture in offshore waters.

- Off-bottom Culture:
  - Defined as floated or suspended operations that include, but are not limited to, long lines and rafts.
  - Not allowed within 2 miles of the shoreline.
- On-bottom in nearshore waters (within 750 yards of shoreline):
  - Includes any aquaculture operation that involves the use of cultch material, racks, cages, or structures to support shellfish.
  - Must minimize the disruption of the natural movement of sediment in the nearshore areas.
  - Racks and cages must be arranged in rows with adequate spacing between rows to allow for reasonable ingress and egress to the shoreline.

- No racks or cages shall be located within two hundred (200) feet of the shoreline unless it can be proven that there will be no conflicts with the traditional user groups in the area (e.g., flounder fisherman, beachgoers, etc.).
- Riparian area will not be leased without the upland owner’s permission.
- On-bottom within offshore waters (more than 750 yards from the shoreline):
  - Includes any aquaculture operation that involves the use of cultch material, racks, cages, or structures to support shellfish.
  - Must maintain a minimum of 6 feet of water above the on-bottom oysters at all times.
  - If the operation requires support facilities, it cannot be located within 2 miles of the shoreline.

**Other Restrictions on Aquaculture Activities:**

- Not allowed within 1,500 feet of any pipeline or submerged cable.
- Not allowed within 1 mile of “habitats of special significance.”
- Cannot be located within one-half mile of the centerline of a federal navigation channel. Not allowed within a safety fairway, anchorage area, or within boundary of dredged material disposal site without USACE/Coast Guard approval.



*This research was supported by the U.S. Department of Commerce’s National Oceanic and Atmospheric Administration under NOAA Award NA100OAR4170078, with additional funding and support from the Mississippi-Alabama Sea Grant Consortium, Louisiana Sea Grant, Alabama Cooperative Extension, Auburn University, Louisiana State University, and The University of Mississippi. The views expressed herein do not necessarily reflect the views of any of those organizations.*