

Oyster Aquaculture Submerged Lands Leasing Fact Sheet



T E X A S

Responsible Agency:

Texas General Lands Office (GLO) for leases of submerged lands.

- The Texas Parks and Wildlife Department (TPWD) issues private oyster leases, permits, and licenses.

Leasing Fees & Rental Payments:

- Coastal Surface Lease: \$50.00 application fee to GLO; negotiable annual fee with a \$100 per year minimum.
- Private Oyster Leases: \$200.00 nonrefundable application fee. \$6.00 per acre per year lease fees, due annually by March 1.

Activities in Bays:

- Riparian landowners in Texas may exercise the following rights without a permit or lease:
 - Plant oysters in an area extending 100 yards into the bay from the high water mark or from where the land survey ceases with a prior certificate of location from TPWD to determine that the area is not a natural oyster bed.
 - Owner must make affidavit stating oysters were harvested on their private property before selling the oysters.
- In 1989, the TWPDP placed a moratorium on the issuance of private oyster leases. To apply for a private oyster leases, an applicant must:
 - Mark the proposed lease site or sites with temporary poles or buoys in such a manner that the outline of the site or sites can be clearly determined.
 - Include a description of the lease, including a plat showing approximate size and location in relation to state land tracts.
 - Include signed letters from the U.S. Army Corps of Engineers, GLO, and the Seafood and Aquatic Life Group of the Texas Department of State Health Services indicating approval for the proposed lease site.
 - Possess an oyster harvest permit from the TPWD.
- A lease will not be issued for:
 - A natural oyster bed;
 - An area that has been fished as a public reef within eight years of the lease application;
 - A bay shore area within 100 yards of the shore;
 - An area subject to an exclusive riparian right;
 - An area already under certification as a private lease; or
 - An area within 1000 feet of an established lease not owned or controlled by the applicant.

Activities in Offshore Waters:

- Aquaculture activities in offshore waters may be authorized by an offshore aquaculture permit issued by TWPD.
 - Offshore waters include “All waters of the Gulf of Mexico seaward from the shoreline for a distance of three marine leagues, but does not include bays, passes, rivers or other bodies of water.”
- The fee for an offshore aquaculture permit is \$1,575.
- An application for an offshore aquaculture permit must include, among other things:
 - Name, address, and telephone number of the owners of the facility and stock;
 - Proof that the application has obtained a valid license issued by the Texas Department of Agriculture, all applicable state and federal permits and authorizations relating to water quality and navigational hazards; and any approval or permit required by GLO; and
 - Description of the facility design.
- For offshore aquaculture facilities also requiring a coastal surface lease, a lease application must be submitted to GLO that includes contact information for applicant, and detailed information regarding location and description of project.

Distinctions between On-Bottom and Off-Bottom Culture:

Texas does not currently have provisions for leasing the water column. Structures that encumber state-owned submerged land require leases or easements issued by GLO, and impacts to the water column are considered during the leasing process.

Other Restrictions on Aquaculture Activities:

- Offshore aquaculture permit are only issued for the cultivation of native species.
- A person may not own, lease, or control more than 300 acres of water bottoms under a private oyster lease.



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