



## **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-phase process. The first phase to get a Conditional Permit from TPWD by submitting your application and going through the TPWD review and public meeting. The second phase involves gathering your other agency authorizations before TPWD issues the Final Permit allowing oyster mariculture activity to begin. If you have questions about the application or permitting process, please email us at [oyster.mariculture@tpwd.texas.gov](mailto:oyster.mariculture@tpwd.texas.gov)

### **Phase 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.

## Phase 2 – Final Permit

- Phase 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
  - COM Permitting and Programmatic Questions  
Danielle DeVacque  
361- 886-1611  
[Danielle.DeVacque@glo.texas.gov](mailto:Danielle.DeVacque@glo.texas.gov)
  
- Texas Department of State Health Services
  - Seafood and Aquatic Life Group  
[Seafood.Regulatory@dshs.texas.gov](mailto:Seafood.Regulatory@dshs.texas.gov)  
512-834-6757
  
- Texas Commission on Environment Quality
  - Wastewater  
Mónica Vallin-Báez  
Industrial Wastewater Permits Team - Water  
Quality Division 512-239-5787  
[Monica.baez@tceq.texas.gov](mailto:Monica.baez@tceq.texas.gov)
  - Water Rights  
Chris Kozlowski  
Water Rights Permitting Team - Water  
Availability Division 512-239-4691  
[Chris.kozlowski@tceq.texas.gov](mailto:Chris.kozlowski@tceq.texas.gov)
  
- U.S. Army Corps of Engineers
  - Regulatory Email: [CESWGRegulatoryInbox@usace.army.mil](mailto:CESWGRegulatoryInbox@usace.army.mil)
  - Upper Coast Applicants: 409-766-3869
  - Lower Coast Applicants: 361-814-5847
  
- U.S. Coast Guard
  - Timothy Boriskie  
Private Aids to Navigation  
[D8oanPATON@uscg.mil](mailto: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. This information will be entered into the secure permitting portal.

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. The answers to the questions and information about your gear will constitute an Operation Plan kept on file with TPWD. Many of the questions asked here are similar to questions and information required for other authorizations you will need to obtain in phase two. 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** – Describe how the gear presented in the Gear Table and layout diagrams is configured and operated. Make sure your text description matches and describes the diagrams. This information can be supplemented by product brochures describing the operation of the gear, if so please indicate. Descriptions should answer:

- How is gear anchored?
- How does the mainline attach to anchors and how does gear attach to mainline?
- How are the closures of cages and bags secured?
- Are buoys used to mark gear (anchors, lines, etc.), if so, how?
- How do you anticipate marking corner points and site boundary (pending approval and any additional requirements requested by U.S. Coast Guard)?

**Question 2** - Describe your proposed tending/maintenance and harvesting activities (i.e., elevating or flipping cages, methods for cleaning gear, tumbling, sorting, and harvesting, etc.). Indicate if gear will be tended from boat or by wading.

**Question 3** – Texas Administrative Code §58.353 (r) requires a valid gear tag be attached to each piece of gear. One of the purposes of tagging gear is so it can be identified and retrieved if lost. At a minimum, tags must have the name and address or phone number of the permittee and the permit number.

- Describe how gear will be tagged. What material will be used and how will tags be affixed to the gear?
- A requirement of permit provisions is that you report lost gear to the Department on a provided form. Give written acknowledgement that you understand this requirement.

**Question 4** – Site access:

- How far is the proposed site from the emergent shoreline?
- How will you access the proposed site? (This description should be consistent with your Access Route Map.)
- How often do you anticipate visiting the site?
- If accessing from the adjacent shore, please describe how you will avoid negative impacts to sensitive shoreline habitats (if present).
- Will your proposed activities affect ingress and egress of adjacent property owners?

**Question 5** – Provide a detailed Hurricane/Tropical Storm Plan. Plan should include management details for the protection of all equipment and oysters within permitted area beginning 72-hours before projected landfall through the steps taken after a storm passes. 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?). How will you ensure you can execute your plan?

**Question 6** – If birds become a sufficient problem, such that their waste presents a human health risk, you will be required to have bird deterrent measures. Describe how you would plan to mitigate or minimize the potential pollution impact of birds, if needed. Predator deterrents should also be included in the Gear Table 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 7** – All COM permit holders must comply with all health and safety regulations required by Texas Department of State Health Services (TDSHS) in the harvest and sell of your product. This includes adhering to a 14-day minimum re-submergence prior to harvest and keeping of records on re-submergence dates (after desiccation, tumbling, or when oysters are out of the water for significant periods of time). Product must be sold to a licensed Wholesale Fish Dealer with oyster certification. COM permit holders may conduct direct sales of your product if certified by TDSHS. Select below if you plan on selling to a certified dealer or will you be seeking a certification from TDSHS. Also, please give written acknowledgement that you understand the above sanitation requirements.

Select:  Sell to a Certified Dealer     Direct sale

**Question 8** – How do you plan to minimize entanglement or entrapment of other species (with emphasis on Threatened and Endangered species) in your gear?

*Describe efforts to keep lines taught, stay appropriate distances from any threatened and endangered species, and monitor gear on a regular basis. Describe if you will comply with the NOAA Fisheries [Protected Species Construction Conditions](#) and [Vessel Strike Avoidance Measures](#).*

**Question 9** – How do you plan to keep your gear and any non-organic waste produced in mariculture activities (zip ties, old line, floats, etc.) from becoming marine debris?

**Question 10** – Texas Administrative Code §58.353 (f) requires a minimum of 100,000 oyster seed per acre of permitted area be stocked each year. For example, if your permitted area is 10 acres you must stock 1 million oyster seed per year, even if you only have gear in a smaller portion of that area. Please give written acknowledgement that you understand this requirement.

**Question 11** – Biosecurity and genetic integrity of cultivated oysters is of the utmost importance. Review the Biosecurity and Genetic Integrity Plan. Only hatcheries and nurseries that have been vetted by TPWD can be used as suppliers (a current list of approved facilities can be supplied upon request). Broodstock for your product must comply with the oyster region where your site is located. Before seed is stocked at your site you must submit an Oyster Transport Request form and the appropriate disease screenings and be given an Oyster Transport Authorization document. Records must be kept for 2-years on the broodstock origin and source of oyster seed (including water sources status: Approved, Conditionally Approved, Restricted, Prohibited).

- Identify below from which region(s) the broodstock producing seed oysters for your site can originate.
- Please give written acknowledgement that you understand you must follow biosecurity and genetic integrity guidance and submit all appropriate forms and documents when transporting oysters.

**Question 12** – Texas Administrative Code §58.353 (i) requires you to notify the department within 24 hours of discovery of any disease condition within a permitted area. Notifications should be to the Ecosystem lead (of the system your site is located) by phone and email and the Oyster Mariculture Program Coordinator by phone and email; if you are unable to reach those individuals call the Texas Game Warden dispatch by phone (512-389-4848). The department may take any action it considers appropriate (TAC §58.353 (j)) upon determination of a disease condition. Please give written acknowledgement that you understand this requirement and willingness to comply with TPWD instructions given in the situation.

### 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](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

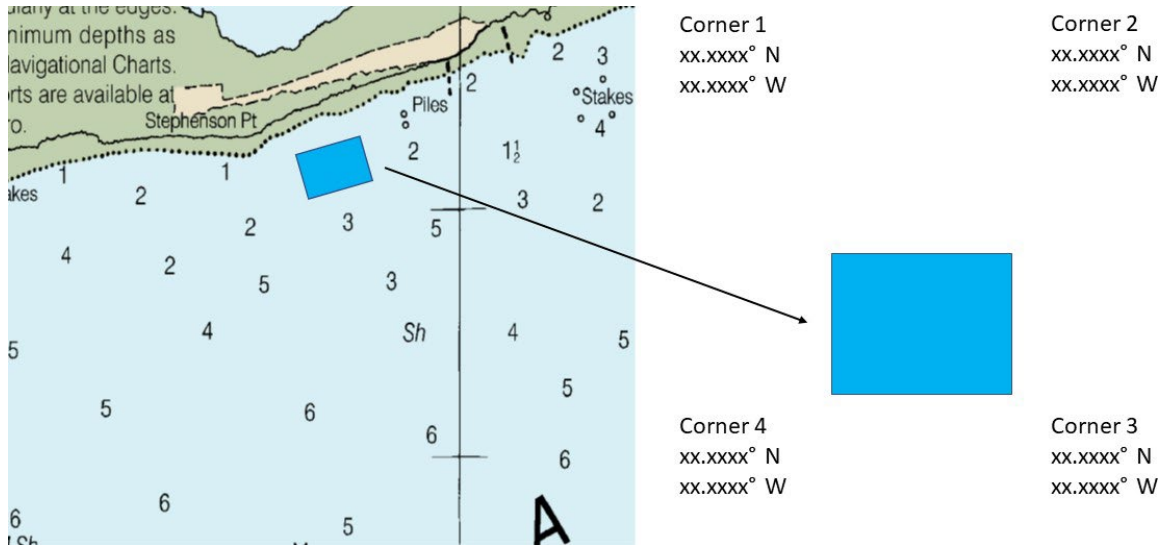
- \_\_\_\_\_ Preferred file types for your narrative documents are PDF (if using Word you can Save As a PDF)
- \_\_\_\_\_ Files must be under 10MB each. If your files size can not be reduced or broken up into two files, you will be able to upload at the same link we provide you for your Natural Resource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

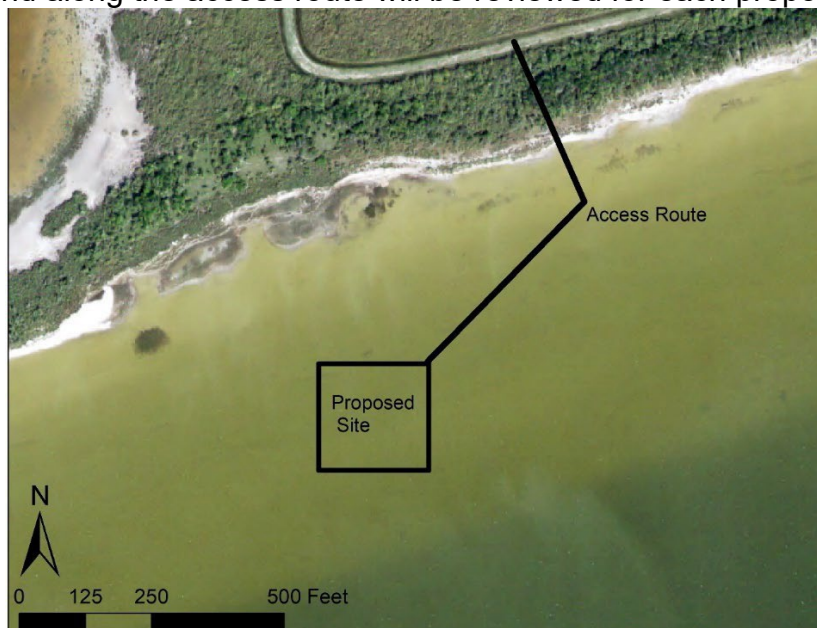
### Example 1: Vicinity Map

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.



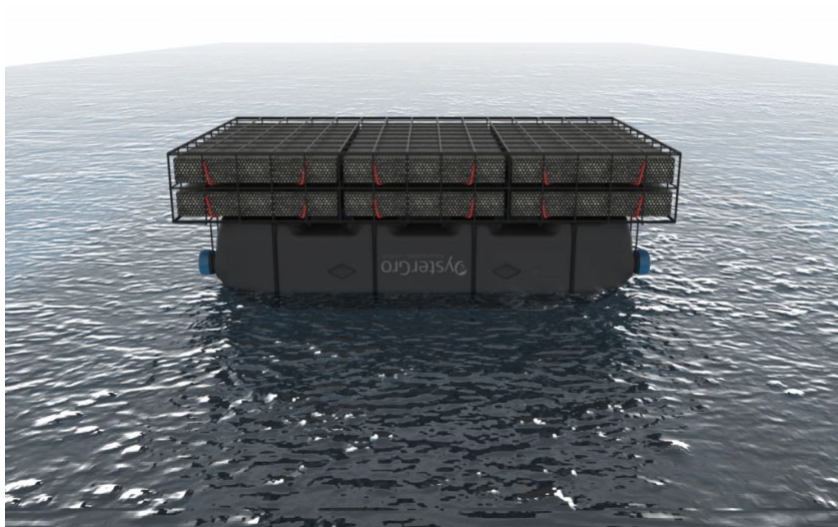
### Example 2: Access Route Map

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



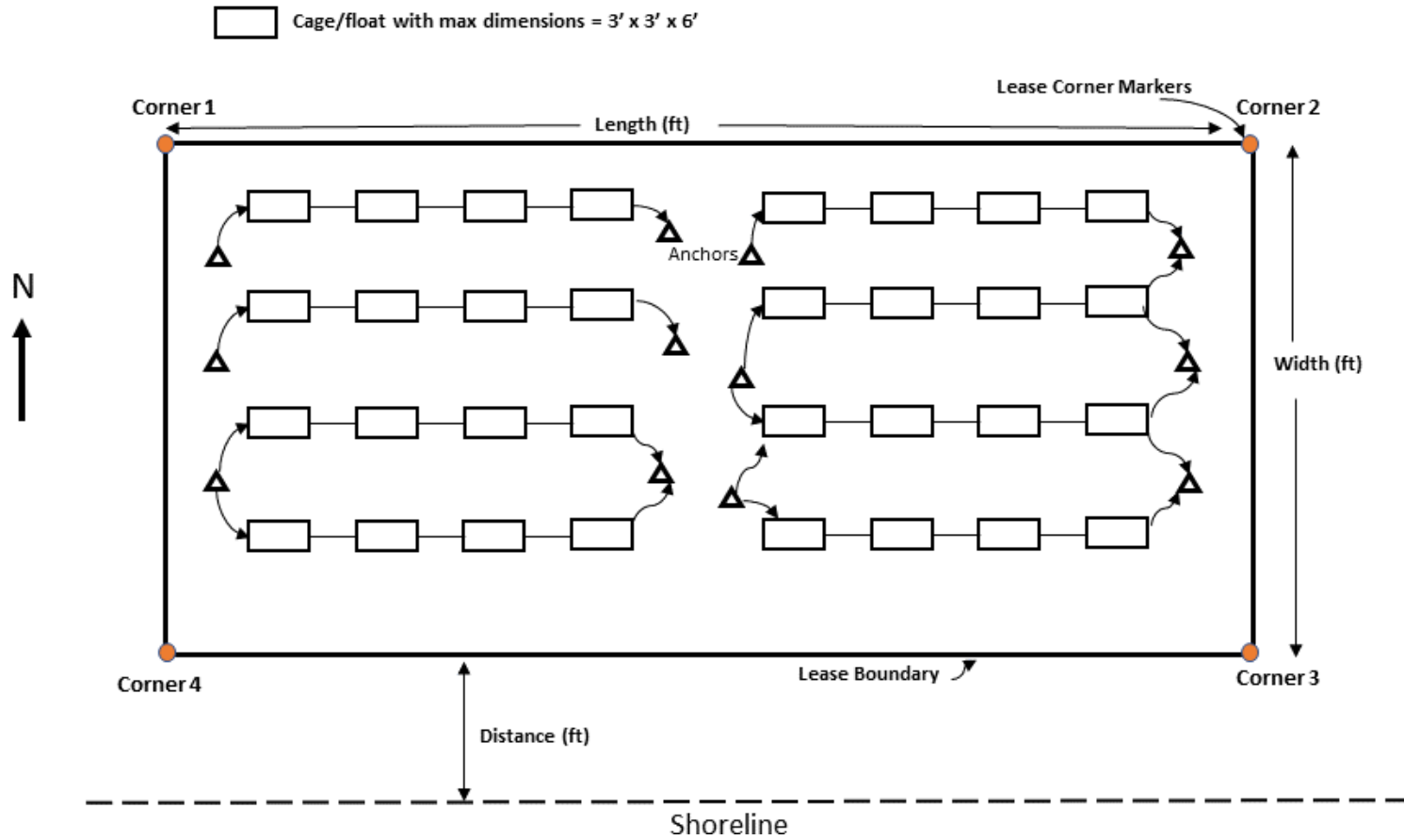
### Example 4: Site Layout Map - Overhead

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

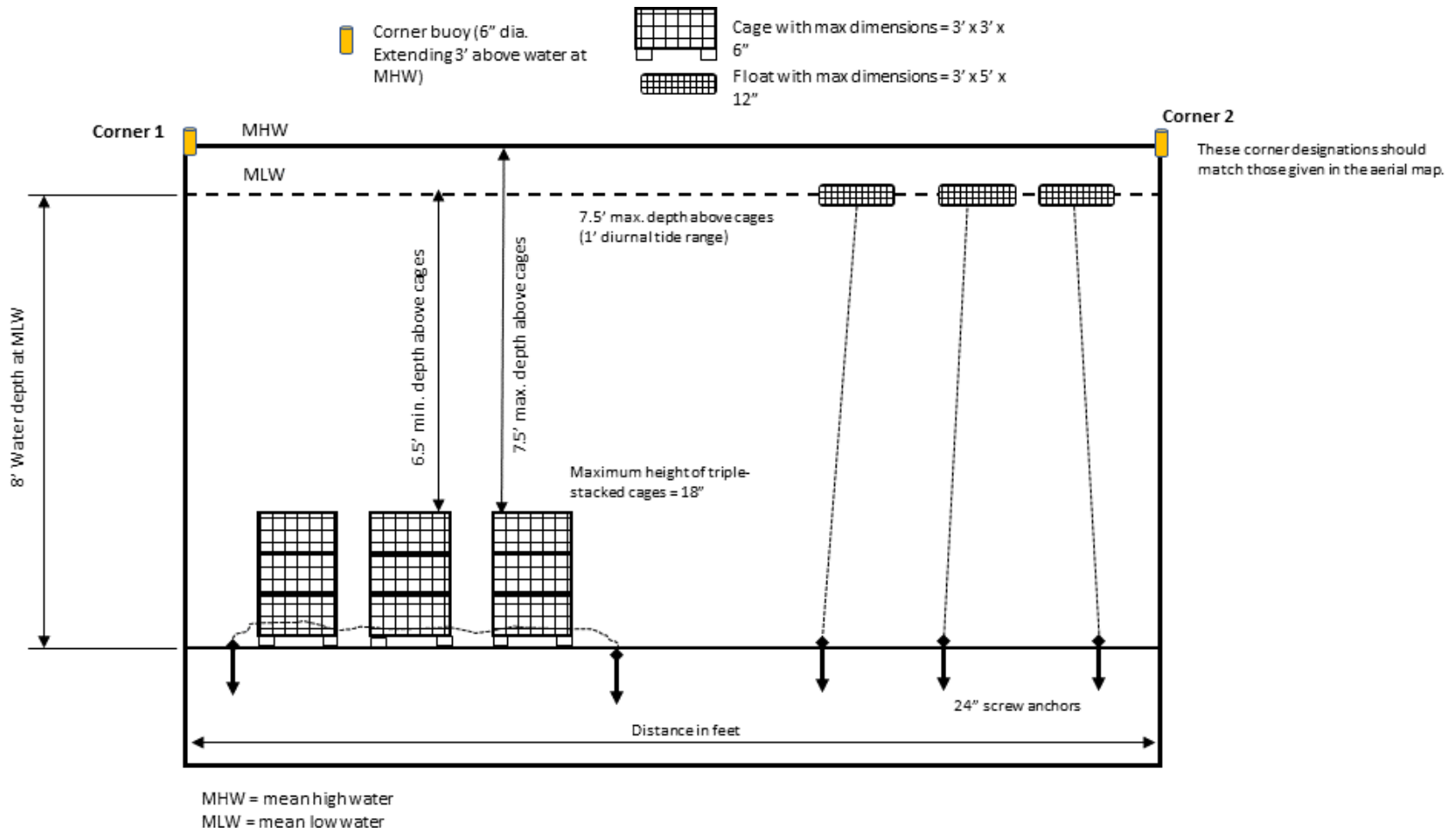
Spacing between individual cages/racks/floats: \_\_\_ feet

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



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

