

Guidance Document for Leasing Sovereignty Submerged Lands for Marine Finfish Net Pen Aquaculture

Florida Department of Agriculture and Consumer Services, Division of Aquaculture

Permitting of aquaculture operations in Florida state waters that include net pens and cages must submit the following applications and documentation and adhere to the following regulations. Net pens operating in Florida state waters require a sovereignty submerged land water column lease agreement and an Aquaculture Certificate of Registration.

The review process for acquiring a lease for marine fish net pen operation in state waters will require coordination and consultation with the Florida Department of Agriculture and Consumer Services (FDACS), National Oceanic and Atmospheric Administration (NOAA), Environmental Protection Agency (EPA), US Army Corps of Engineer (USACE), Florida Department of Environmental Protection (FDEP), Department of State, and Florida Fish and Wildlife Conservation Commission (FWC). In addition, a public noticing process will occur prior to final approval by the Board of Trustees of the Internal Improvement Fund (the Florida Governor and Cabinet).

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1. **Valid National Pollutant Discharge Elimination System (NPDES) permit** from the EPA for any operation. In state waters (from the coast to 3 nautical miles), permits are issued by FDEP. Beyond 3 nautical miles, permits are issued by EPA. The FDEP or EPA Southeast Office should be consulted for this process.
 2. **Valid Section 10 Rivers and Harbors Act Permit** from the USACE for any operation requiring anchors on the seabed. The USACE Jacksonville District Office should be consulted for this process.
 3. **Aquaculture Certificate of Registration** (AQ Certificate): An AQ certificate is required for the production, harvest, sale, or retail or wholesale distribution of cultured product in the state of Florida, and must be obtained from FDACS, Division of Aquaculture. Information on obtaining an AQ certificate can be found online at FreshFromFlorida.com/Business-Services/Aquaculture/Aquaculture-Certificate-of-Registration. For new certificates, applicants must submit a **Facility Plan** along with their application, to include the following:
 - Facility summary and description
 - A construction plan and associated timeline
 - Species production plan and associated timeline
 - A description detailing the implementation of appropriate **Aquaculture Best Management Practices**¹ (see more details in #4).
 - More details on what to include in the facility plan can be found in the [Aquaculture Certificate of Registration Fact Sheet](#)
 4. For net pens and cages, Best Management Practices include the following, and all required plans listed below must be submitted along with an application for an AQ certificate.²:
 - a. **Farm Site Plan**: Include a mooring system schematic and map the location of the net pens, anchoring and mooring systems, and feeding systems. Net pens and anchors must be mapped using GPS or give full latitude-longitude coordinates.

¹ The Florida *Aquaculture Best Management Practices* ([Ch. 5L-3, F.A.C.](#)) are regulations, and will be enforced as part of any lease agreement. FDACS Division of Aquaculture staff ensure compliance with all lease terms, including adherence to the BMPs. Unless authorized in statute, the manual does not supersede other applicable federal or local authorities nor natural resource collection authorizations. The manual was developed specifically to protect Florida's natural resources and the practices "represent a mutually beneficial relationship between commercial aquaculture production and natural resource protection." The full manual can be found online at: FreshFromFlorida.com/content/download/64045/1520653/BMP_Rule_and_Manual_FINAL.pdf

² This list serves as a summary only; all applicants should reference the full BMP manual to ensure they are in compliance with all Department requirements.

- b. **Solid Waste Management Plan:** Identify all wastes generated on a site or from an aquaculture facility. At a minimum, waste management plans must address:
- Human waste
 - Feedbags
 - Scrap rope
 - Scrap netting
 - Buoys and weights
 - Fish mortalities (which must be disposed of according to [Chapter XIV. Disposal of Dead Animals](#))
 - Spoiled feed
 - Packaging materials
 - Fouling organisms
 - Any other solid waste
- c. **Loss-Control and Escape Recovery Plan:** Include a site-specific analysis of the potential risks of escapes, their causes, and the specific procedures employed by the farm to reduce risk. All holding, transportation, and culture systems must be designed, operated and maintained to prevent escape (see [Chapter XVI. Shipment, Transportation and Sale](#)). The plan must include a notification procedure to inform FDACS when fish are not recovered following an escape. Loss-control plans must be designed to address the principle causes of escape (equipment failure, operational errors, and predator attacks) and must include:
- Minimum equipment and operating standards
 - Emergency repair procedures
 - Escape recovery procedures
 - Practices and equipment that reduce the need for predator reduction/destruction (i.e., anti-predator nets or equivalent equipment)
 - Preparations for severe weather (i.e., hurricanes)
- d. **Net Pen Structure and Mooring System Preventative Maintenance Program:** Identify individual nets, net pen structures, and mooring systems, including information regarding maximum loading capacity of the system related to wind speed, waves and current velocities, and identify a schedule and document regular maintenance and testing. Nets or net pen structural components that fail testing standards must be retired and disposed of properly. The program must document regular maintenance and repair including the nature of the maintenance or repair, date conducted, any supporting documentation for new materials used, and the identity of the individuals or firms that conducted the maintenance.
- e. **Quality Assurance Project Plan:** The processes and procedures used to collect and analyze physical, chemical, and biological environmental data must be documented. [Chapter VII., Section B. Feed Management](#) details the benthic surveys required under and adjacent to net pen operations.
5. **Submerged lands water column lease agreement.** Since there are currently no sovereignty submerged lands water column lease parcels approved for offshore aquaculture with net pens, this step will require a new parcel application. A new parcel application triggers a full lease approval process including:
- a. High-resolution seafloor (surface and sub-surface) and hydrographic **Baseline Environmental Survey**, conducted by a professional surveyor and paid for by the applicant
 - b. Review and authorization by the Board of Trustees of the Internal Improvement Trust Fund (the Florida Governor and Cabinet)
 - c. Installation of navigation markers as required by a [Private Aids to Navigation Permit](#) from the U.S. Coast Guard. FDACS will assist with the application process for a Private Aids to Navigation Permit.

6. **FWC Special Activity License for Broodstock Collection.** A Special Activity License (SAL) may be required from FWC, in addition to a valid AQ certificate, for net pen aquaculture operations ([Ch. 68B-8, F.A.C.](#)) for the collection of broodstock. Applications for an SAL will be evaluated based on economic impact, cost effectiveness, and biological and ecological impact of the proposed operation, including a species [genetic risk assessment](#). A **Hatchery and Genetic Management Plan** may also be required at the time of application. See FWC's website at myfwc.com/license/saltwater/special-activity-licenses/ for more information.