



Shellfish Aquaculture Leasing Process for State-Owned Lands

Note: Read this and the application instructions before completing plat application.

Applicant contacts ODA to lease state-owned tidelands for shellfish aquaculture. (Note: information on website includes application form, application process description and regulations)



Applicant receives application packet and pre-application meeting is completed. (Note: information forwarded to shellfish specialist for review and additional questions)



Applicant submits required information: completed application, affidavit that public notice was published in local paper for two consecutive weeks, map and \$250 filing fee.



ODA has 90 days from date of publishing to issue final order. ODA provides application to interested parties (government agencies, industry, environmental and conservation groups, and others).



Interested parties provide public comment, testimony and opinions to ODA.



ODA summarizes and reviews comments, testimony and opinions. ODA determines responsible public land use decision and prepares a 'Findings of Fact and Conclusions' final order.



ODA approves lease 'as is' or 'in part'. Approval may differ from initial request.



ODA denies entire application. ODA provides written explanation.



Applicant has formal right to appeal if application is denied 'in whole' or 'in part'.
Reference: OAR 603-082-0060



Applicant employs a licensed surveyor to survey lease and provides ODA with official map completed by licensed surveyor. (Note: Surveyor or applicant must clearly mark lease corners, and map must be stamped as official)

Key

 Applicant Responsibility

 ODA Responsibility

 Other Agency Input

Legal references listed at end of this document



Final approval of lease may require County land use approval and other government agencies may have added conditions of approval. (Note: some conditions of approval may have to be addressed prior to the issuance of approval called the 'Grant Certificate')



If applicable, applicant demonstrates they have no outstanding issues related to lease approvals according to local ordinances.



US Army Corps of Engineers provide federal land use permit.
(Note: ODA Director cannot approve final Grant Certificate without this permit)



Grant Certificate is signed by ODA Director and issued to applicant.



Applicant may begin aquaculture operations on lease plat according to the provisions of the Grant Certificate.



Lease holder pays ODA quarterly fees for leasing state-owned lands. Lease holder must demonstrate active use and production in order to keep lease. Lease remains in effect indefinitely with no requirement to reapply unless applicant wishes to change terms of lease.



Lease holder must obtain ODA Food Safety license prior to selling any shellfish commercially for human consumption.



ODA may terminate lease for failure to pay quarterly lease fees or if holder does not actively farm the state-owned lease plat.

Legal References

ORS 622: Shellfish

OAR 603 Division 100: Shellfish Sanitation

OAR 603 Division 82: Oyster, Clam and Mussel Leases