

**AGENDA**  
**BOARD OF TRUSTEES**  
**DEPARTMENT OF AGRICULTURE & CONSUMER SERVICES**  
**DECEMBER 5, 2006**  
**Substitute Page**

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**Item 1      Minutes**

Submittal of the Minutes from the June 15, 2006 Cabinet Meeting.

(See Attachment 1, Pages 1-6)

**RECOMMEND    APPROVAL**

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**Substitute Item 2      Douglas Aquaculture Lease**

**REQUEST:** Consideration (1) to use approximately 3.0 acres of sovereignty submerged lands to establish an aquaculture lease in Volusia County for shellfish aquaculture; and (2) of authorization to issue a ten-year sovereignty submerged land aquaculture lease for the above parcel.

**COUNTY:** Volusia

**APPLICANTS:** Ted S. Douglas III and Ted S. Douglas IV (64-AQ-1053).

**LOCATION:** A tract of sovereignty submerged lands in Section 6, Township 18 South, Range 35 East, in the Mosquito Lagoon near New Smyrna Beach, Volusia County, Florida. The proposed parcel is located within the Mosquito Lagoon Aquatic Preserve.

**CONSIDERATION:** An annual fee of \$78.99, representing a base annual rental fee of \$16.33 per acre or fraction thereof; and an annual surcharge of \$10.00 per acre or fraction thereof, for deposit in the General Inspection Trust Fund pursuant to section 597.010, Florida Statutes (F.S.). On January 1, 2005, the annual rental fee was adjusted, based upon the five-year average change in the Consumer Price Index and will be adjusted accordingly every five years of the lease term.

**STAFF REMARKS:** The applicants request consideration by the Board of Trustees to authorize an aquaculture lease which includes approximately 3.0 acres of sovereignty submerged lands. The requested acreage will be used for the purpose of farming hard clams and oysters. The proposed parcel was previously approved in 1982 as Oyster Lease No. 1104 for one of the applicants (Mr. Ted S. Douglas III). The lease was cancelled in 1989 due to non-payment of lease fees. The applicant informed staff that he had other business opportunities outside of Florida, and simply allowed the lease payments to lapse to terminate the lease. This applicant has since relocated back to Florida and would like another opportunity to resume clam and oyster farming on the parcel. This applicant, with his son, has filed a joint application for the proposed parcel. The joint applicants completed the application process as required in section 253.69,

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**Substitute Item 2, cont.**

F.S., and section 18-21.008(3), Florida Administrative Code (F.A.C.). The aquaculture lease will be subject to the terms and conditions applied to other aquaculture leases issued throughout the state for the same purposes, except the transfer or sale of the lease will not be approved during the first three years of the lease term. Upon approval from the Board of Trustees, the joint applicants will have the lease parcel surveyed, and submit the survey to the Department of Environmental Protection's (DEP) Bureau of Surveying and Mapping for approval. After the Department of Agriculture and Consumer Services (DACS) receives the approved survey and legal description of the lease parcel, the lease instrument will be executed. The lessees will then record the lease with Volusia County and with DEP's Division of State Lands, mark the lease according to the lease agreement, and begin production.

Staff assessed the marine resources within and adjacent to the proposed area, determined that the area was suitable for commercial shellfish aquaculture, and determined that the activities would not result in adverse impacts to seagrasses, existing shellfish beds, or other sensitive habitats. Staff has reviewed the application for completeness, evaluated the business plan, and completed background checks to ensure that the applicants have had no public health or marine resource violations or felonies. The application was noticed pursuant to section 253.70, F.S., and no objections were filed.

A consideration of the status of any local government comprehensive plans was not made for this item. DACS has determined that the proposed action is not subject to the local government planning process.

The requested lease area is located within the Mosquito Lagoon aquatic preserve. Pursuant to Section 258.42, F.S., aquaculture is considered to be in the public interest and aquaculture leases may be authorized in aquatic preserves.

(See Attachment 2, Pages 1-22)

**RECOMMEND APPROVAL**