

**AGENDA**  
**BOARD OF TRUSTEES**  
**DEPARTMENT OF AGRICULTURE & CONSUMER SERVICES**  
**MARCH 17, 2005**

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**Item 1      Gulf Specimen Marine Laboratory, Inc. Aquaculture Lease**

**REQUEST:** Consideration of an authorization to issue a ten-year sovereignty submerged land aquaculture lease of approximately one acre, more or less, and the overlying water column.

**COUNTY:**    Franklin  
                  Application No. 19-AQ-1007

**APPLICANT:** Jack Rudloe; Gulf Specimen Marine Laboratory, Inc.

**LOCATION:** The requested parcel is located about 8.0 miles south of Lighthouse Point in the Gulf of Mexico, within the local jurisdiction of Franklin County, at the following coordinates: 29°46.39"N / 84°19.47"W (center points in latitude and longitude; decimal minutes).

**CONSIDERATION:** An annual rental fee of \$42.66, representing (1) a base annual lease fee of \$32.66, at a rate of \$32.66 per acre or fraction thereof, including the water column; and (2) an annual surcharge of \$10.00, representing \$10.00 per acre or fraction thereof, for deposit in the General Inspection Trust Fund pursuant to section 597.010, F.S. Commencing January 1, 2010, the lease fees shall be adjusted every five years, based upon the five-year average change in the Consumer Price Index.

**STAFF REMARKS:** The applicant is requesting approval of a commercial aquaculture lease to cultivate and harvest live rock within a parcel of sovereignty submerged land in the Gulf of Mexico. The applicant also anticipates conducting experimental cultivation techniques to support the Gulf Specimen Marine Laboratory's research and development efforts. The requested parcel extends about 200 feet by 225 feet, and includes about one acre of state-owned land in 45 to 50 feet of water. The parcel contains a coarse sand and shell fragment sea bottom covering lime rock substrata. The proposed project involves the initial placement of approximately 10 tons of non-indigenous rock on the seafloor, with similar amounts of artificial substrate being placed annually over the term of the lease. The raw material will be obtained from a quarry near Lamonte, Florida. Lime rock will be piled as mounds and will act as substrate to attract larval marine organisms to colonize the rock and mimic natural reef communities. Once a desired growth stage has been achieved, the applicant will harvest the rocks with attached marine life and sell them in the tropical marine aquarium trade. The culture of sedentary marine life, referred to as "live rock", has become an integral part of the marine life aquarium trade, since federal and state regulations were enacted to prohibit the harvest of natural live rock communities.

Section 253.68(2)(b), F.S., provides that "it shall be the policy of the state to foster aquaculture development when the aquaculture activity is consistent with state resource management goals, environmental protection, proprietary interests, and the state aquaculture plan." Additionally, section 253.68, F.S., provides that "the Board of Trustees may lease

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**Item 1 cont.**

submerged lands to which it has title for the conduct of aquaculture activities and grant exclusive use of the bottom and the water column .... for either commercial or experimental purposes.”

The application was noticed pursuant to section 253.70, F.S. No objections were filed for the application.

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

(See Attachment 1, Pages 1-33)

**RECOMMEND APPROVAL**

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**Item 2      Pelican Inlet Aqua Farm, Inc. Aquaculture Lease/Exchange**

**REQUEST:** Consideration to (1) use approximately ten (10) acres of sovereignty submerged lands to establish five two-acre parcels in Lee County for shellfish aquaculture; and (2) authorize the issuance of a ten-year term sovereignty submerged land aquaculture lease containing five two-acre parcels to the applicant in exchange for the five two-acre existing parcels held by the applicant.

**COUNTY:** Lee

**APPLICANT:** Pelican Inlet Aqua Farm, Inc., William J. Michael Connery, President

**LOCATION:** A tract of sovereignty submerged lands in Township 45 South, Range 21 East, in Pine Island Sound, Pine Island Sound Aquatic Preserve, northeast of Captiva Island, Lee County, Florida.

**CONSIDERATION:** The annual rental fee and surcharge for the proposed leases is \$263.30; representing (1) a base annual rental fee of \$16.33 per acre or fraction thereof; and (2) an annual surcharge of \$10.00 per acre or fraction thereof, for deposit in the General Inspection Trust Fund pursuant to section 597.010, F.S. Lease fees shall be adjusted every five years,

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**Item 2 cont.**

commencing January 1, 2010, based upon the five-year average change in the Consumer Price Index.

**STAFF REMARKS:** The Department of Agriculture and Consumer Services (DACS) requests consideration by the Board of Trustees to authorize the use of ten acres of sovereignty submerged lands for aquacultural use, not including buffer zones and navigation corridors. The requested acreage is located in a single tract of submerged lands located east of the intracoastal waterway in Pine Island Sound in the vicinity of Red Fish Pass. The proposed ten-acre tract is about two miles southwest of the five existing two-acre lease parcels currently held by the applicant. Both tracts are located in Pine Island Sound. The applicant has completed an application as required in section 253.69, F.S., and section 18-21.008(3), F.A.C., and paid the \$200 nonrefundable application fee. The applicant requests consideration by the Board of Trustees to authorize the issuance of a sovereignty submerged land aquaculture lease containing the five proposed parcels. The applicant, in turn, will return to the state five similar aquaculture parcels currently held by the lessee. The applicant's request is based on a combination of poor production on its existing lease and damages sustained from recent hurricanes. The applicant believes that moving its production operations to the new location will improve the likelihood of recovery and economic viability. The requested aquaculture lease will be subject to the terms and conditions applied to the applicant's existing aquaculture lease. Upon approval from the Board of Trustees, the lessee will have the individual lease parcels surveyed, and submit the survey to the Department of Environmental Protection's (DEP) Bureau of Surveying and Mapping for approval. After DACS receives the approved surveys and legal descriptions of the lease parcels, the lease instrument will be executed. The lessee will then record the lease with the county and with DEP's Division of State Lands, mark the lease according to the lease agreement, and begin production.

Staff, in cooperation with DEP's aquatic preserve staff, evaluated the tract of submerged lands in Pine Island Sound. Staff assessed the marine resources within the proposed areas, determined that the area was suitable for commercial shellfish aquaculture activities, 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 a background check to ensure that applicant has had no public health or marine resource violations or felonies.

Section 253.68(2)(b), F.S., provides that "it shall be the policy of the state to foster aquaculture development when the aquaculture activity is consistent with state resource management goals, environmental protection, proprietary interests, and the state aquaculture plan." Additionally, section 253.68, F.S., provides that "the Board of Trustees may lease submerged lands to which it has title for the conduct of aquaculture activities and grant exclusive use of the bottom and the water column ... for either commercial or experimental purposes."

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**Item 2 cont.**

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.

(See Attachment 2, Pages 1-42)

**RECOMMEND APPROVAL**

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**Item 3      **Clams R Us, Inc. Conversion of Sovereignty Submerged Lands Lease to Aquaculture Lease****

**REQUEST:** Consideration of an authorization to convert an existing sovereignty submerged lands lease to an aquaculture lease.

**COUNTY:** Indian River

**APPLICANT:** Clams R Us, Inc., No. 31-AQ-1044

**LOCATION:** Section 31, Township 30 South, Range 39 East, along the western shore of the Indian River in the town of Sebastian.

**CONSIDERATION:** An annual rental fee of \$42.66, representing a base annual fee of \$32.66 per acre or fraction thereof; and an annual surcharge of \$10.00, representing a surcharge of \$10.00 per acre or fraction thereof, for deposit in the General Inspection Trust Fund pursuant to section. 597.010, F.S. Lease fees shall be adjusted on January 1, 2010 and every five years thereafter, based upon the five-year average change in the Consumer Price Index.

**STAFF REMARKS:** The applicant is requesting approval to convert an existing multi-vessel docking facility lease (Submerged Lands Lease No. 310509984) to an aquaculture lease. The existing dock had not been used for more than ten years and was in a state of disrepair and abandonment when the applicant purchased the upland property and the lease. The dock was further damaged by two recent hurricanes. The applicant has applied for an aquaculture lease to include about 0.4 acre of sovereignty submerged lands to conduct aquacultural activities associated with the company's current and future aquaculture businesses. The aquaculture lease will provide space for the construction of an aquaculture dock to include an access dock, a terminal platform, dock structures for in-water and above-water clam nursery systems, vessel dockage, and shellfish loading and unloading operations. The proposed parcel includes state-owned submerged lands extending from the shoreline to about 315 feet into the Indian River, and

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**Item 3 cont.**

includes the submerged land from the mean high water line to a depth of 4.5 feet; identified as a rectangle about 315 feet by 45 feet waterward of the applicant's riparian upland property on the western side of the Indian River. The aquaculture dock will be used exclusively for aquaculture related activities and will include about 5,400 square feet of docks, platforms, and floating nursery systems. The re-constructed dock will replace the remnants of a dilapidated dock that was further damaged by two recent hurricanes. The re-constructed dock will conform to the footprint of the original structure, but will also include a terminal dock, a nursery platform, and in-water nursery systems; these structures will occupy space previously occupied for mooring vessels. The proposed conversion to an aquaculture facility will not contribute to or increase adverse environmental impacts.

Clams R Us, Inc., is one of Florida's largest clam seed suppliers. The company's president, Dr. Joseph Weissman, has been involved in clam farming activities for more than fifteen years in Florida. Prior to the recent hurricanes, Clams R Us, Inc., conducted on-shore operations in privately-held commercial marinas that were leased by the company. The company's aquaculture support facilities sustained severe damage during hurricanes Frances and Jeanne when strong winds and storm surge destroyed nursery facilities located along the waterfront in Sebastian. Re-building the facilities at their former locations does not represent a viable alternative for the company.

The applicant completed the application process as required in section 253.69, F.S., and section 18-21.008 (3), Florida Administrative Code (F.A.C.). Staff has reviewed the application for completeness, evaluated the business plan, and completed a background check to determine if the applicant has a record of public health or marine resource violations or felonies. Upon approval from the Board of Trustees, the applicant will be given a new lease, and the old lease will terminate automatically upon execution of the new lease agreement. The applicant will also submit a revised survey to the Department of Environmental Protection's (DEP) Bureau of Surveying and Mapping for approval. After DACS receives the approved survey the lease instrument will be executed. The lessee will then record the lease with the county and with DEP's Division of State Lands.

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

(See Attachment 3, Pages 1-56)

**RECOMMEND APPROVAL**