

# Marine Aquaculture Permitting Guidance

Long Island Sound Community Impact Fund Workshop

June 30, 2025

Presented By:

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**Biologist 1 (Marine)**



**Department of  
Environmental  
Conservation**

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**Aquaculture Specialist**



**Sea Grant**  
NEW YORK



# Who are we?



## **Chelsea Miller**

- Biologist with NYSDEC Shellfisheries Bureau since 2014.
- Handles all things involving shellfish restoration including:
  - Issuance of permits
  - Review of projects/grant proposals
  - NYS Shellfish Restoration Plan

## **Barry Udelson**

- Aquaculture Specialist with NY Sea Grant since 2023.
- Works with aquaculture industry members statewide.
- Experience with shellfish restoration projects that required permits.

# Goal of Workshop

- Provide guidance on the process for acquiring aquaculture permits for both commercial and non-commercial purposes.
- Walk through the steps needed for various applications.
- Show examples of ways to answer some of the questions.
- Increase your understanding for the need of the permits and how to go about applying for them.

# Overview of Workshop Topics

- General advice for application process
- When aquaculture permits are required
- Different water body classifications & what is allowed in them
- Types of permits
- Timeframe for permitting process
- Additional agencies that are part of permit application
- Walk through the steps of compiling the permit proposal
- Summary of guidance & tips

Permit info is on DEC website under Marine Permits & Licenses at:  
[www.dec.ny.gov/things-to-do/saltwater-fishing/marine-permits-licenses](http://www.dec.ny.gov/things-to-do/saltwater-fishing/marine-permits-licenses)



# General Advice

- Don't chase funding until you have started permit process.
- Start conversations with DEC on permit process ASAP.
- Permit applications have A LOT of steps.
  - It may feel overwhelming
  - It can take longer if project plan is not clear
- Project goal(s) & purpose will determine the appropriate permit
  - Shellfish restoration (non-commercial) likely requires an LCP permit
  - Macroalgae (i.e., seaweed) requires an On/Off Bottom Permit

# When are Aquaculture Permits Required?

- The short answer: always!
- Whenever marine plants (i.e. seaweed) or animals (e.g. shellfish or finfish) are raised in New York waters.
- For all commercial & non-commercial (i.e. restoration) purposes.
  - Food
  - Water quality improvements & bioextraction
  - Habitat restoration
  - Fertilizer enhancement products
- Permits are issued by the NYSDEC & sometimes other agencies.

# Classification of Water Bodies

NYSDEC completes daily sampling to monitor water quality in conformance with the National Shellfish Sanitation Program (NSSP)

## **Certified**

The harvest of shellfish is suitable for consumption and is permitted year-round

## **Seasonally Certified**

The harvest of shellfish is suitable for consumption and permitted only during a portion of the year

## **Uncertified**

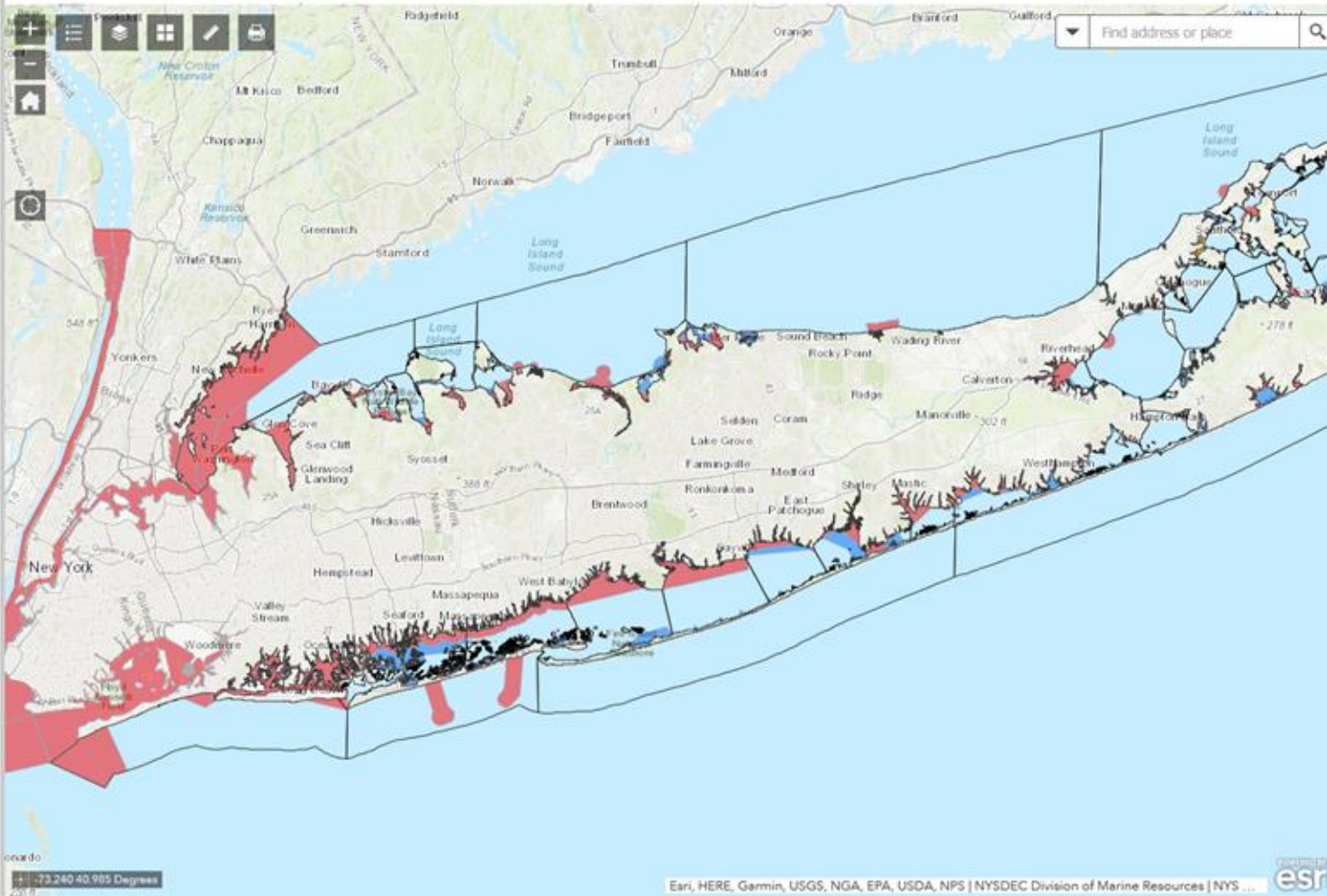
The harvest of shellfish is not suitable for consumption and not permitted at any time

***The classification of a waterbody will dictate what aquaculture activities are allowed.***

# Classification of Water Bodies

## NYSDEC Public Shellfish Mapper Website is updated in real time as closures occur

About



**NEW YORK STATE OF OPPORTUNITY.** Department of Environmental Conservation

For the most up to date temporary closure information, please call our hotline at (631) 444-0480.

**Effective November 1, 2023**, the Commercial Harvest Zones have changed with the new adoption of 6 NYCRR Part 42, "Sanitary Control Over Shellfish" regulations. Please check the map to determine if your harvest zone has changed with the updated regulations.


Attention: These maps are provided for reference only.


Please refer to the [Shellfish Closures Part 41](#) page for official descriptions and reference maps of the closures.


Please visit [Temporary Shellfish Closures](#) for more information on temporary closures to shellfish harvesting.

Please visit our [State Underwater Lands](#) page for more information on the descriptions of the areas which fall under the jurisdiction of New York State.

Instructions:  
Use +/- buttons or scroll to zoom in and out of the map.

Click on  to view the legend.

Click on  to turn layers on and off.

Click on  to change the basemap.

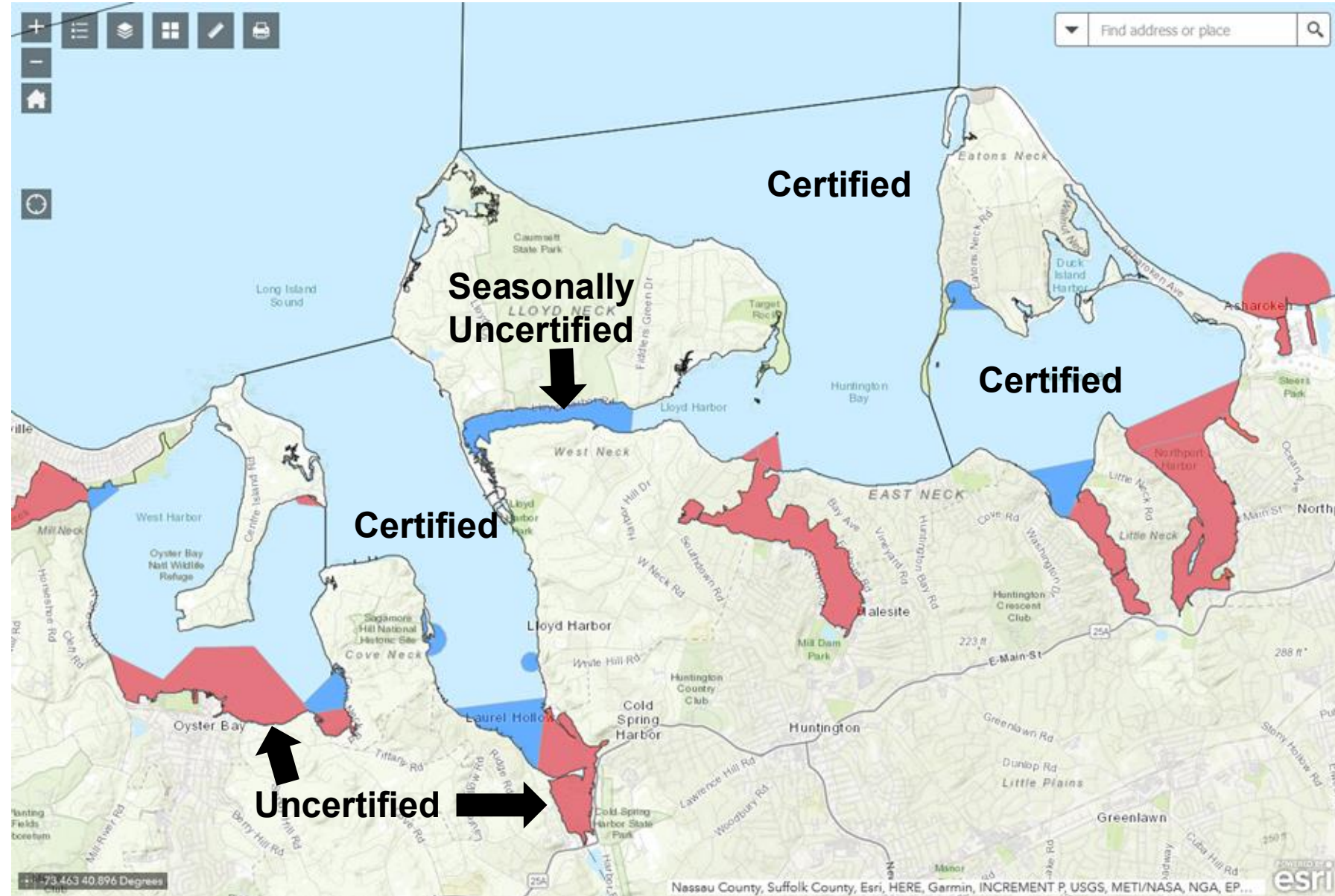
[NYS DEC Homepage](#)  
Last updated for May 1, 2025.

Esri, HERE, Garmin, USGS, NGA, EPA, USDA, NPS | NYSDEC Division of Marine Resources | NYS ...

Scan QR code or click here to get to the website



# Classification of Water Bodies



Red is  
Uncertified

Dark Blue is  
Seasonally  
Certified

Light Blue  
is Certified

Scan QR  
code to get  
to the site



# Working in Uncertified Water Bodies

## Commercial Activities

- Legal size shellfish **CANNOT** be raised.
- Juvenile (seed) shellfish **CAN** be raised to a certain size & then be transferred to certified waters or before Oct 31<sup>st</sup>.
- Macroalgae (i.e., seaweed) **CAN** be permitted commercially in uncertified water bodies. NY Ag & Market Agency **WILL** have restrictions on how its used.

## Non-Commercial Activities

- Juvenile (seed) shellfish **CAN** be raised to a certain size & then be transferred to certified waters or before Oct 31<sup>st</sup>.
- Spat on shell oyster **MAY** be approved to plant in uncertified waters.
- Security measures must exist to reduce poaching & signs to show harvesting is not approved.
- Macroalgae (i.e. seaweed) **CAN** be permitted in uncertified waterbodies.

### Size Restrictions

*Commercial & Non-Commercial*

Oyster: 1.5 inches (38mm) in length

Hard Clam: 0.5 inch (13mm) thickness across hinge

# Types of Permits

- **On/Off Bottom Culture Permit**

- Commercial Shellfish
- ALL Macroalgae (i.e. seaweed)

- **Marine Hatchery Permit**

- Commercial shellfish
- Floating upweller system (FLUPSY) for commercial *AND* non-commercial shellfish.

- **License to Collect or Possess (LCP)**

- Non-commercial shellfish such as restoration projects, community gardening, etc.

- **Transplant/Seed Relay**

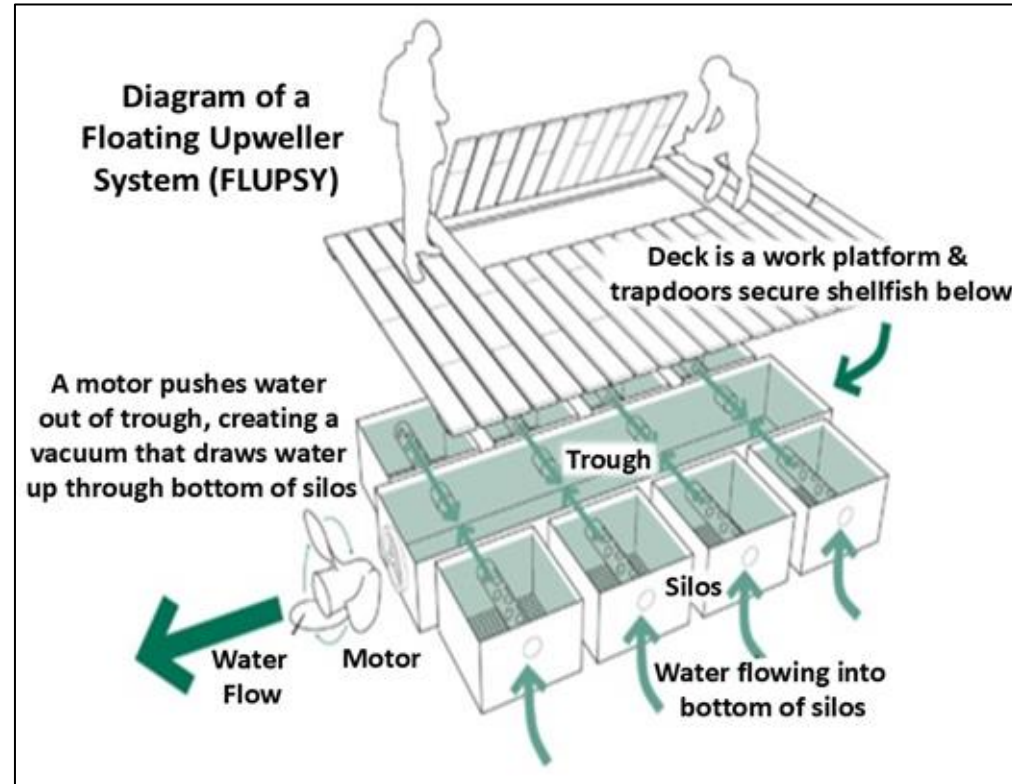
- For moving seed from uncertified to certified waters

- **Importation Permit**

- For getting seed (juvenile shellfish) from another state. Only states north of NY allowed.

- **Permits needed for harvest & selling of shellfish commercially**

- Shellfish digger and shipper (Classes A through E)



***DEC Staff will tell you which permits are needed after initial consultation***

# On/Off-Bottom Culture Permit & Marine Hatchery Permit

## Similarities:

- Fee: \$100
- Permit Duration: Expires December 31 each year
- Reporting Requirements: monthly reporting (even if no activity) of any shellfish or macroalgae (i.e., seaweed) bought, sold, or distributed
- Allows permit holder to possess, raise, breed, and sell marine plant and animal life of less than legal size in a shore-based facility

## Differences:

- Marine Hatchery Permit is for a shore-based facility.
  - Typically has water intake and discharge systems
  - Floating upweller system (FLUPSY)
- On/Off Bottom requires additional permitting from state & federal agencies.
- Commercial & non-commercial permits are processed & managed by different DEC staff.

# License to Collect or Possess (LCP)

There are 4 Types of Marine LCPs:

1. **Scientific:** Research purposes, commonly used by academia.
  2. **Education/Exhibition:** Aquariums & Education Centers displaying collected species.
  3. **Shellfish Gardening:** Specific to certain programs for waterfront property owners to grow up to 1,000 oysters off their floating dock or bulkhead in certified waterbodies.
  4. **Shellfish Restoration:** Shellfish restoration projects including community gardening programs growing shellfish to be used for restoration.
- LCPs **CANNOT** be issued for any plant life or commercial purposes.
  - They can be issued before receipt of other permits or licenses.
  - **Fee:** Free!
  - **Permit Duration:** Expires 1 year from date of issuance
  - **Reporting Requirements:** Annual reporting before expiration of the license - required information depends on the type of LCP

[LCP](#)  
[page link](#)



# Summary of Permit Types Needed

Activity	Permit Type Needed					Waterbody	
	On/Off Bottom	Marine Hatchery	LCP	Transfer or Relay	Digger &/or Shipper	Certified	Uncertified
Commercial Shellfish	Yes	Maybe	—	Maybe	Yes	Yes	No
Non-Commercial Shellfish: Restoration Projects or Community Gardening	—	—	Yes	Yes, if in uncertified water	—	Yes	Yes, with restrictions
Floating Upweller System (Commercial & Non-Commercial)	—	Yes	—	Yes, if in uncertified water	—	Yes	Yes, with restrictions
Commercial Seaweed	Yes	—	—	—	—	Yes	Yes*
Non-Commercial Seaweed: Bioextraction or Water Quality Improvement	Yes	—	—	—	—	Yes	Yes

*Importation permits are needed if seed is acquired from another state; only states north of NY are permitted.*

*\*NY Ag & Market Agency will have restrictions on how commercially harvested seaweed from uncertified waters is used.*

# Time Frames with Permits

- Applications take time to compile & should not be rushed.
  - Allow at least several **FULL** workdays
  - Or several weeks of time if chipping away at it.
- Letters of permission from the underwater landowner can take a while, especially if it's a municipality.

Length of time required for permits to be reviewed & granted:

- DEC has up to 45 days to review & respond to an application
  - Doesn't mean permit will be received in 45 days though if info is missing
- A long, detailed, & complete application will be processed faster than one missing lots of info due to the back & forth to get answers.
- Other agencies can take longer, such as Army Corp of Engineers.

# Additional Agencies Involved

The On/Off Bottom Culture Permits for [Shellfish](#) & [Macroalgae](#) contain instructions & links to all additionally required info:

- Access Program or underwater landowner (e.g. Towns)
- NYSDEC Division of Environmental Permits
- US Dept. of the Army Corps of Engineers, NY District
- US Coast Guard Private Aids to Navigation (PATON)
  - Mostly for floating aquaculture gear
- NY Dept. of State Office of Planning and Development
- NY State Environmental Quality Review Act (SEQR) Forms

*Entire application is submitted at same time to all agencies*



# Additional Forms for Agencies

These are *not required* for LCPs

- Joint Application Form (JAF)
- Environmental Questionnaire
- Federal Consistency Assessment Form (FCAF)
- USCG Private Aids to Navigation Permit Application (PATON)
  - Applies mostly to navigable waters & potential hazards
- Short Environmental Assessment form (SEAF)
- Large projects may require an Environmental Impact Statement

## **Helpful Tip:**

*Complete the DEC application parts first since some of these forms ask similar questions.*

# Walking Through the Application:

## *Supplementary Info & Operational Plans (pg 2-3)*

**Section A** - Written authorization to access the location for both shellfish & macroalgae permits.

### Commercial Aquaculture:

- Lease agreement issued by Suffolk County, Town of Islip, etc.
- Most underwater lands on Long Island are legally controlled by the local governments.

### Privately owned underwater lands:

- Letter of permission from the owner and a copy of the deed or other legal documentation verifying ownership.

### If using a dock or bulkhead:

- A letter of permission from the dock/bulkhead owner

# Walking Through the Application:

## *Supplementary Info & Operational Plans (pg 2-3)*

### Section A Example:

Written authorization to  
access location

### Private Owner Example:

Address provided

Applicant identified

Described purpose of access

### **Helpful Tip:**

Write this for the owner



NORTHPORT YACHT CLUB

P. O. BOX 29, BLUFF POINT RD., NORTHPORT, L. I., N. Y. 11768  
631-261-7633 • FAX 631-261-8573

Date March 9, 2022

Cornell Cooperative Extension of Suffolk County  
Barry Udelson  
423 Griffing Ave  
Riverhead, NY 11901

I/we hereby give permission to access our property at 11 Bluff Point Road, Northport, NY 11768 to the staff of Cornell Cooperative Extension of Suffolk County (CCE) expressly for the purpose of growing and maintaining shellfish for education, scientific and/or water quality improvement purposes. This letter does not give CCE staff the right or access to this property for any other purpose and the specific details of how, when and where access will occur will be agreed upon prior to initiating any work.

This letter is provided to satisfy the New York State Department of Environmental Conservation requirements to submit letters of permission from any and all growing partners to be listed on the existing CCE shellfish aquaculture permit.

Sincerely,

Northport Yacht Club

Commodore

# Walking Through the Application:

## *Supplementary Info & Operational Plans (pg 2-3)*

### Section B - Aerial-view site map

#### Example Shows:

- Acreage (size)
- Coordinates
- Outlined area
- Compass (north)
- Label waterbodies

#### **Helpful Tip:**

Use Google earth  
& powerpoint

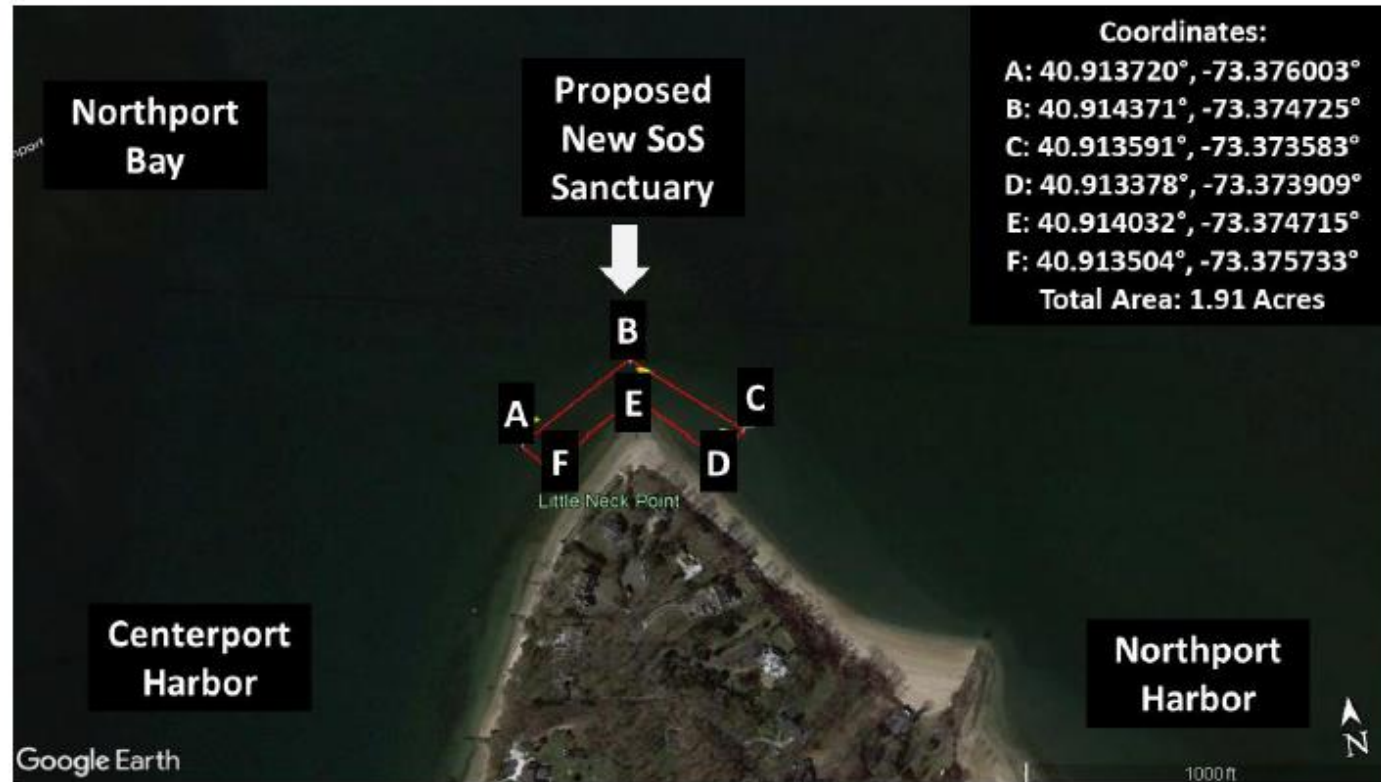


Figure 8. New proposed sanctuary area for planting both SoS and single set oyster that is raised in Northport Harbor. This location is within certified water and was deemed suitable for oyster following 2021 survey.

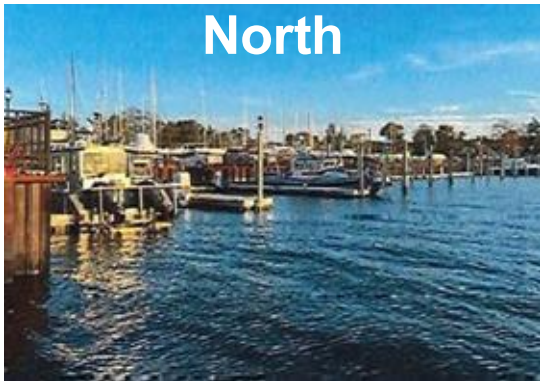
# Walking Through the Application:

## *Supplementary Info & Operational Plans (pg 2-3)*

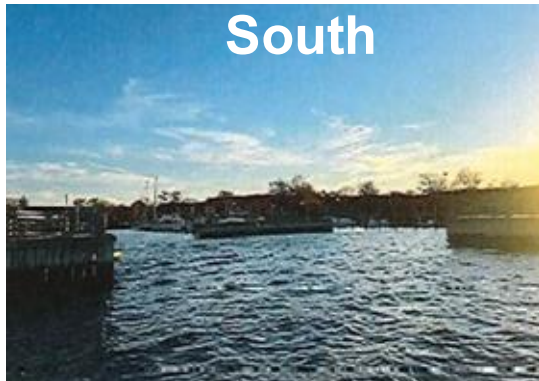
### Section C - Four site photos

- Take from center of proposed site facing North, South, East, and West & label photos accordingly.
- Provides visual representation of location relative to shoreline features & landmarks

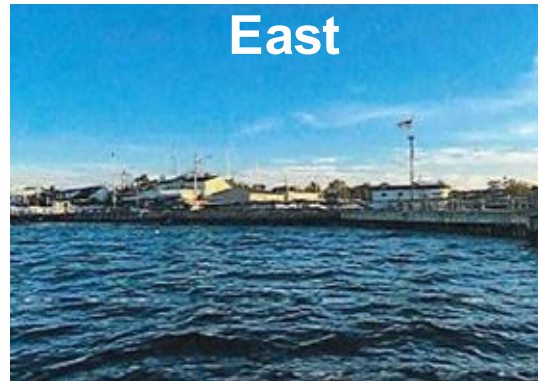
North



South



East



West



# Walking Through the Application:

## *Supplementary Info & Operational Plans (pg 2-3)*

### **Section D - Nautical aids to navigations specifications**

- Mainly for floating oyster farms found in navigable waters



***This could be a non applicable section so just name the section & state “not applicable”.***

# Walking Through the Application:

## *Supplementary Info & Operational Plans (pg 2-3)*

### **Section E - Vessel Information**

For any vessel(s) involved with operation, provide:

- Make
- Length
- Registration Number
- Docking Location

***This could be a non applicable section so just name the section & state “not applicable”.***

# Walking Through the Application:

## *Supplementary Info & Operational Plans (pg 2-3)*

### **Section F - Cultivation/Operational Plan**

This is a written section; could be several paragraphs or pages.

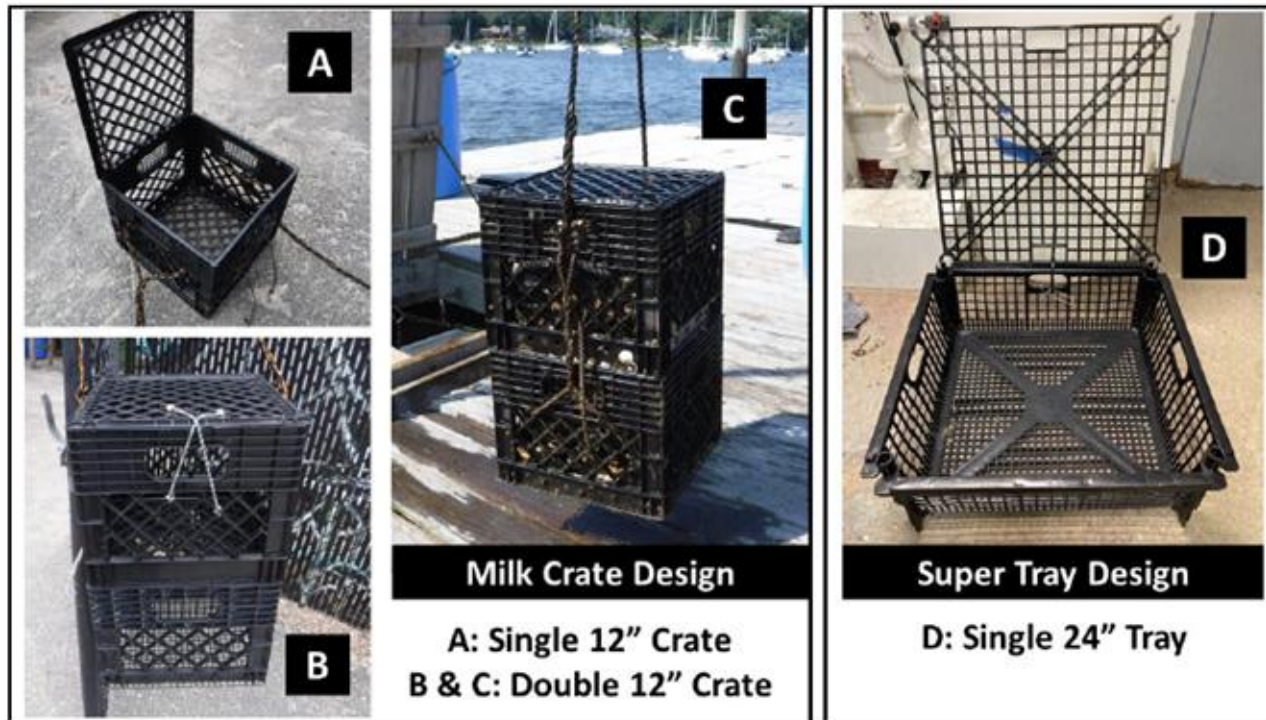
For each species raised, describe & provide details on:

- Source of seed (juvenile) - identify hatchery
  - Imported seed is limited to northern states & requires importation permit.
- Production cycle from stocking through harvest
- Husbandry (maintenance) procedures
  - Include time of year, methods, frequency, equipment, & staff
- Harvesting methods and gear used.
- Vibrio control plan if raising oyster or clam for food
  - Generally, for commercial growers

# Walking Through the Application: *Off-Bottom Culture (pg 3-4)*

## Section A - Detailed description of gear type

- Written description with images
- Can show links or pictures of products found online



**Floating Oyster Cages**

Figure 2. Milk crate design (A, B, & C) and Super tray design (D) will be used to raise spat on shell oyster.

# Walking Through the Application: *Off-Bottom Culture (pg 3-4)*

## **Section B - Deployment System & Gear Quantities**

Provide written detailed descriptions and specifications for:

- Anchoring system & buoys
- Total quantity of gear pieces
- Provide number & length of lines gear is attached to

### ***Helpful Tip:***

**List the items or put in table.**

**Descriptions should reference images/figures in section C.**

# Walking Through the Application: *Off-Bottom Culture (pg 3-4)*

## Section C - Drawings of Gear & Deployment Layout

- This is a visual depiction of the previous section
- Aerial view AND a cross sectional
- Include compass heading (e.g., North arrow)
- Cross sectional should indicate mean low water (MLW) depth in feet.

### ***Helpful Tip:***

MLW is the average of daily lowest tides.  
MLW can be found by using NOAA's Custom Chart tool  
found at: <https://devgis.charttools.noaa.gov/pod/>

# Walking Through the Application: *Off-Bottom Culture (pg 3-4)*

## Section C - Example of a Cross-Sectional Drawing

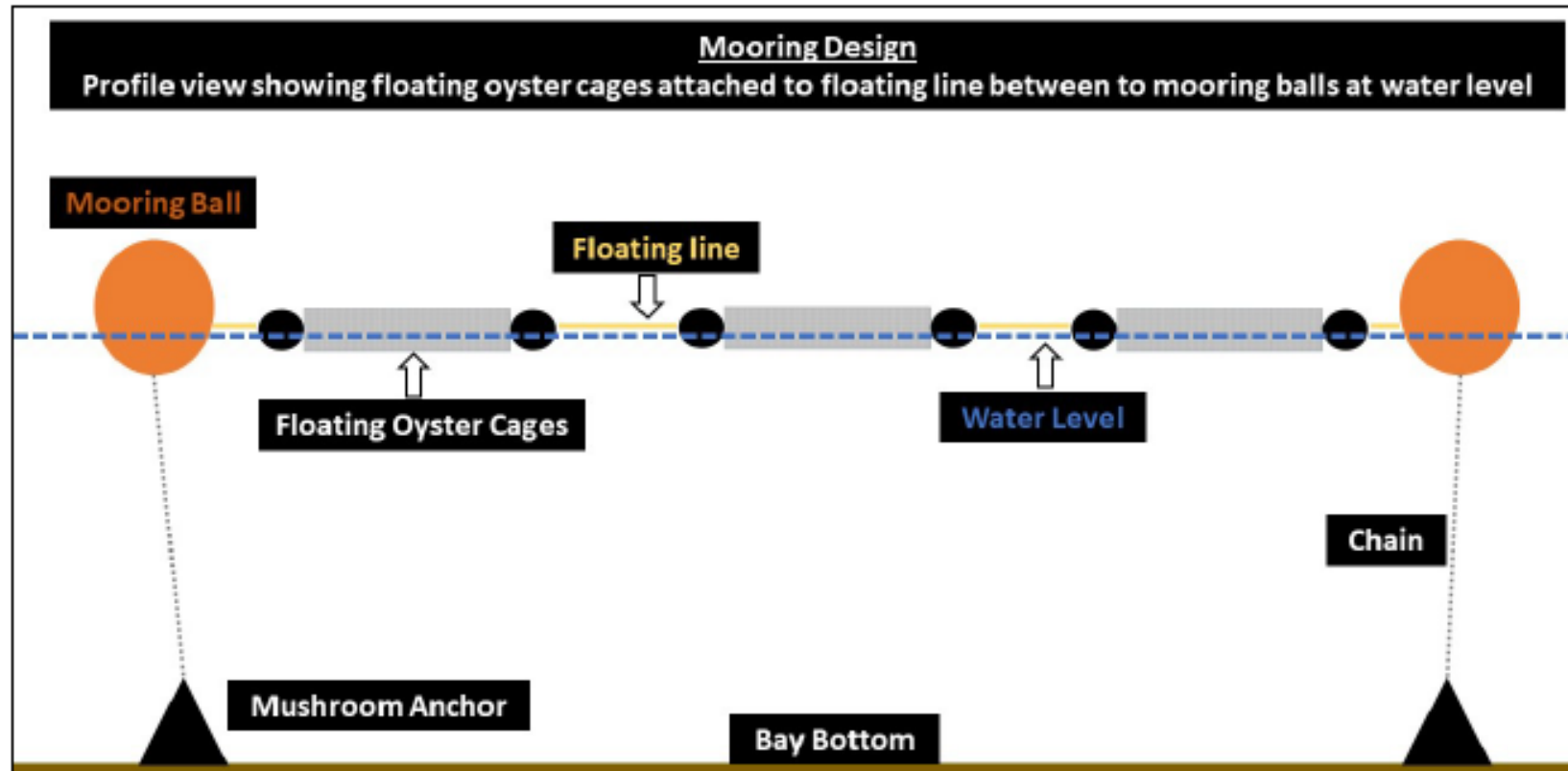


Figure 3. Mooring design diagram depicting mooring balls attached to mushroom anchors with enough chain to accommodate tidal fluctuation. These will be placed so that at low tide, gardeners can wade into the water to unclip cages from floating line and bring them ashore for maintenance.

# Walking Through the Application: *Off-Bottom Culture (pg 3-4)*

## Section D - Bird Mitigation

Provide detailed descriptions and specifications for:

- Only for shellfish floating gear.
- Generally, ***not applicable*** to most non-commercial projects.

Spikes on floats



Zip ties on floats



Bird Scare Kite



# Walking Through the Application: *On-Bottom Culture (pg 4)*

*Unlikely to be applicable for non-commercial activities.*

**Section A** - On bottom planting design

**Section B** - Drawings of bottom planting design

*Both A & B are just like the Off Bottom Descriptions*

**Section C** - Harvesting gear & methods

- Not likely applicable to any restoration projects

# Walking Through the Application: *Submitting*

## **Application has instructions on how to do this**

- Review the checklist on page 6 of application
- Prepare 4 copies
  1. NYSDEC Shellfish Management Unit
  2. US Army Corp NY District
  3. NY Dept. of State Office of Planning & Development
  4. A copy for yourself
- Original signatures are required on documents.
- Submit copies to the addresses provided.

# Walking Through the Application: *License to Collect or Possess (LCP)*

LCP's do not have a step-by-step application document

- Detailed descriptions & diagrams ***ARE STILL NEEDED***

Complete [LCP Marine Resources](#) application online

- Not the Shellfish Gardening LCP unless DEC instructs you to

Determine the type(s) of shellfish restoration:

- Community Gardening
- Planting of spat on shell oyster in single layer on bay bottom
- Adding structure, bags of, or loads of shell to bay bottom.
  - Requires additional permits including Army Corp

[LCP](#)  
[page link](#)



# Walking Through the Application: *License to Collect or Possess (LCP)*

## Application Topics to Cover & Describe:

- General Background
- Location
- Cultivation Plan
- Planting or Distribution Methods
- Monitoring Plan

### ***Helpful Tip:***

## Follow the guidance for On/Off Bottom Permit specifically:

- Supplementary Sections - A, B, C, E, & F
- Off-Bottom Culture Sections - A, B, & C

# Walking Through the Application: *License to Collect or Possess (LCP)*

## General Background:

- Purpose of the restoration project.
- What organizations will be involved?
- What are the goals & how will they be achieved?
- Explain environmental impacts (positive & negative).
- What species will be used and why?
  - Provide background or historical context
- Project timeline.
- Is there funding to support this project?

# Walking Through the Application: *License to Collect or Possess (LCP)*

## Location:

- Provide coordinates & aerial images
- Justify why it should occur there & why it would work.
- Letter of permission from the landowner.
- Provide results of population survey if completed.
- Waterbody classification
  - Only spat on shell (SOS) oysters & ribbed mussels in uncertified.

A sanctuary (i.e. no harvest area) **CANNOT** be created in a year-round certified area if it is state-owned underwater land.

### **Helpful Tip:**

If looking to create a sanctuary, work with local baymen to identify areas that are not likely to be harvested from but still suitable.

# Walking Through the Application: *License to Collect or Possess (LCP)*

## Culture Method:

- What is being raised & where is it from (i.e. hatchery)?
- How many sites will shellfish be raised at?
- What is the gear type?
  - Provide quantity & dimensions with images or links.
- How will the gear be arranged or set up?
- Stocking density (i.e. how many shellfish per gear unit)?
- Who is doing the maintenance & training of it?
- How often will the gear be cleaned?
- What size will it be raised to before planting?

# Walking Through the Application: *License to Collect or Possess (LCP)*

## **Planting or Distribution Method:**

- Aerial images of location with corner coordinates & acreage
- Mean low water depth (MLW)
- Bottom type(s) of sediment (e.g., mud, sand, etc.)

## **If adding structure to the bay bottom:**

- What type? Include material, dimensions, & quantity.
  - If bagged shell, what is the bag made from & will the material breakdown?
- Diagram of placement & whether structures will be permanent or removed.
- Justify reason for altering bottom type.
- Additional permits will be required for this work, likely from Army Corps.

# Walking Through the Application: *License to Collect or Possess (LCP)*

## **Monitoring Plan** (for cultivation & after planting):

- What is the frequency?
- What parameters are being measured?
  - Growth
  - Survival & causes of mortality
  - Salinity, temperature, dissolved oxygen, etc.
  - Fouling organisms and/or predators
  - Any noticeable impacts on surrounding environment
- Method of monitoring:
  - Participant measurements
  - Deployment of sensors
  - Benthic surveys via SCUBA diving

# Examples for LCP Information



## West Neck Beach, Lloyd Harbor

Address: West Neck Rd, Lloyd Harbor.

Water Certification: Certified.

Garden Design: Mooring (100ft long)

Oyster Seed: Single set.

Gear Quantity: 20-30 cages.

Site Characteristics: 3.5 to 10 ft water depth (MLW 4.5ft). Bottom type – sand.

Duration: May through October.

Cage Maintenance and Seed Measurements: Every 2 weeks.

Seed Deployment Location: Laurel Hollow Sanctuary (previously approved location).

Site Coordinators and Participants: Oyster Bay/Cold Spring Harbor Protection Committee;

## Centerport Yacht Club

Address: 33 Beach Plum Dr, Centerport.

Water Certification: Uncertified

Garden Design: Hanging from Pier (50ft long).

Oyster Seed: Spat on shell.

Gear Quantity: 5-10 crates.

Site Characteristics: 8 to 15 ft water depth (MLW 10ft). Bottom type – sand to muddy sand.

Duration: May through October.

Cage Maintenance and Seed Measurements: Every 2 weeks.

Seed Deployment Location: Little Neck Point

Site Coordinator: [REDACTED]



# Summary of Tips and Guidance

- Identify your project goals
- Determine location & waterbody certification
- Use google earth to create aerials & measure acreage
- Use powerpoint or draw out your plans.
  - Do this neatly & clearly so someone can understand it without you explaining it verbally.
- Meet with DEC to discuss your project early on to make sure everything is addressed correctly.
- Complete the DEC info for the on/off bottom application first since most of that will be used for additional organizations.

# Questions & Discussion

Please take 4 question evaluation survey to gauge workshop impact:

[Click here for survey](#)  
[or scan QR code](#)



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