Texas Cultivated Oyster Mariculture Program
House Bill 1300
86th Legislative Session

- Delegates authority to the Commission to establish a program governing oyster mariculture
- Sets aside 20% of fees collected to be used for abandoned gear removal
- Must coordinate with appropriate state agencies
- Must be adopted by August 31, 2020
Program Development

- Rep. Hunter’s Oyster Aquaculture Task Force
  - Stakeholders including Texas Restaurant Association, Coastal Conservation Association, researchers at Texas A&M University, and more

- TPWD Oyster Mariculture Ad Hoc Working Group

- Other Shellfish Aquaculture Programs
  - 21 coastal states, 2 Canadian maritime provinces, Australia, New Zealand, E.U.

- Pending approval/adoPTION
Nominated Sites

• Individual tracts

• Preferred by industry for product branding

• Lessee bears full cost of establishment

• Annual rent established through set fee

• Approved by TPWD and other permitting agencies

• Subject to public notices/meetings

Pending adoption
Site Approval Goals

- Avoid impact to natural resources and sensitive habitats
- Minimize user conflicts
- Environmental conditions conducive to survival and growth of product
- Tiered approach
Site Approval
Spatial Planning Tool

• Data compilation
  – Most recent, best available data
  – Collected by TPWD
  – PLUS data from the General Land Office, Harte Research Institute, NOAA, USACE, Texas Colonial Waterbird Society, Railroad Commission, and more…

Pending adoption
Permitting

- 10-year lease term
- Non-transferable
- No subleasing
- No limitation on number of acres or leases
- Active-use criteria
Harvest

- Minimum size: 2.5 inches
- Harvest year-round
- Adheres to NSSP Model Ordinance
- Monthly & annual reporting

Pending adoption
Hatcheries/Nurseries

- Hatcheries
  - TDA Aquaculture Permit
  - Broodstock permit
  - Restricted to Texas (?)

- Nurseries
  - Permit
  - Up to 1”
  - Restricted waters

Pending adoption
Timeline

HB 1300 requires adoption of rules by August 31, 2020

- Public scoping           March 4-6, 2020
- Proposal to Commission   March 25, 2020
- Public Hearings          April – May, 2020
- Final Adoption           May 21, 2020
Questions?
Site Approval
Tier 1 Considerations

- Presence of sensitive or critical habitats
  - Seagrasses
  - Oysters
  - Hard reefs (serpulids, rangia)
  - Areas designated as habitat for threatened and endangered species
  - Proximity to sensitive shoreline habitats (salt marshes, tidal flats)
  - Conservation areas (e.g. Redfish Bay State Scientific Area)

- Tier 1 User Conflicts
  - Area is already leased
  - Sand sources
  - Dredge placement areas
  - Mitigation sites
  - Restoration sites
  - Oil and gas activities
  - Navigation channels
  - Cultural resources
  - Health Department “Restricted” and “Prohibited” areas
Site Approval
Tier 2 Considerations

- **Environmental Conditions**
  - Salinity
  - Dissolved oxygen
  - Presence of bird rookeries or hotspots (health concerns)

- **Other**
  - Distance from access point
  - Neighboring entities (National Wildlife Refuges)
  - Wave energy

- **Tier 2 User Conflicts**
  - Commercial fishing, shrimping, or crabbing “hotspot”
  - Boat traffic
  - Wadefishing
  - “Visible Nuisance”