

MARK WILLIAMS  
COMMISSIONER

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DIRECTOR

## LOTTERY APPLICATION FOR SUBTIDAL SHELLFISH MARICULTURE LEASES

**Firm Name** (only if applying as a Firm): \_\_\_\_\_

### General Information

**Full Name:** \_\_\_\_\_

**Date of Birth:** \_\_\_\_\_ **Driver's License #:** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_

**Phone Number:** \_\_\_\_\_ **Email:** \_\_\_\_\_

### Lottery Entry Requirements

- 1) Do you have any Game and Fish Violations from the past 2 years? YES  NO
- 2) Have you been awarded a Subtidal Lease in the past 3 years? YES  NO
- 3) Do you currently hold 30 or more acres of Subtidal Lease Area? YES  NO

**If you answered YES to any of the above questions you will not be considered in this lottery.**

- 4) You **must** hold a current Georgia Commercial Fishing License to be considered in this lottery. Georgia Commercial Fishing License Customer ID#: \_\_\_\_\_
- 5) You **must** provide a bank instrument (Pre-Approval Letter, Proof of Funds Letter, Line of Credit, etc.) of **at least** \$70,000 to be considered in this lottery.

### Priority Points

For each of the following conditions met you will receive one (1) priority point unless otherwise stated. Maximum total of priority points is six (6). See attached guidance document for examples of acceptable evidence for each priority point.

- If you are a State of Georgia Resident, please provide evidence of residency.
- If you have a facility certified to handle molluscan shellfish, please provide evidence.
- If you hold a molluscan shellfish Harvest Area, please provide evidence.
- If you have experience with commercial molluscan shellfish operations, please provide evidence. (1+ years = 1 point, 4+ years = 2 points, 8+ years = 3 points)

**O.C.G.A 16-10-20; "A person who knowingly and willfully makes a false, fictitious or fraudulent statement...in any manner within the jurisdiction of any department or agency of state government...shall, upon conviction thereof, be punished by a fine of not more than \$1000 or by imprisonment for not less than five years, or both."**

**Signature of Applicant:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## LOTTERY APPLICATION GUIDANCE

### GA Code Reference

O.C.G.A 27-4-198 states that subtidal leases must be offered through a lottery devised and operated by the Department. Preference may be given to certified firms, lease holders and state residents.

### Lottery Entry Requirements

The Department has established these minimum entry requirements for the lottery to ensure only applicants with adequate financial resources and no recent history of game and fish violations are considered and to provide continued subtidal mariculture opportunities to new individuals.

An applicant cannot have any Game and Fish violations from any state within the last two years to be considered in the lottery. If the individual has any violations within the two-year period they will not be considered for the lottery until the violations are older than two years.

To maintain opportunities for potential lease holders, the Department will not allow applicants to reenter the lottery after winning a subtidal lease within the last three years. The Department has also set the maximum subtidal acreage to be leased to any individual or firm at 30 acres of water bottoms within the State.

The Department, in conjunction with UGA Marine Extension's GA Oyster Crop Budget tool, has established that starting a subtidal mariculture farm will cost approximately \$70,000 in the first year. To ensure only individuals with the proper financial means enter the lottery the Department will need proof of finances. Proof of finances must be provided using the following bank instruments:

- **Pre-Approval Letter** - A preapproval letter is a document from a financial institution stating that the institution is tentatively willing to lend an individual or a company, up to a certain loan amount.
- **Proof of Funds Letter (PoF)** – A proof of funds is a document proving that an individual or a company has the financial ability to perform a transaction. The PoF can be issued by a Bank, a financial institution, or a trade finance.
- **Line of Credit** - A line of credit is a credit facility extended by a financial institution to an individual or a company that enables the customer to draw on the facility when the customer needs funds.

### Priority Points

The Department established these priority points in collaboration with the Shellfish Mariculture Advisory Panel to select the most qualified individuals who are likely to be successful since limited opportunities are available.

- **State Resident** - For purposes of this lottery, “resident” is defined as continuous domicile within GA for a minimum of 3 consecutive months immediately prior to entering the lottery. Persons may only be a resident of one state.
  - Accepted forms of proof of residency: Copy of Picture ID (choose one): Current GA Driver's License or Georgia ID Card issued by Department of Driver Services (not including a GA Driver's License or Georgia ID Card issued pursuant to O.C.G.A. §40- 5- 21.1 - temporary license)
- **Certified Firm** – Firms certified by the GA Dept. of Agriculture or similar NSSP certification from another state to handle molluscan shellfish and includes, but not limited to, certified

dealers, shellstock shippers, shuckers or packers, repackers, reshippers, depuration processors, and wholesalers.

- Accepted forms of proof: Copy of Current Certification
- **Existing Shellfish Lease Holder** – An individual or company that currently holds exclusive rights to a molluscan shellfish harvest area in any state.
  - Accepted forms of proof: Contracts or Permits from a State Issuing Authority
- **Shellfish Experience** – Time spent working with molluscan shellfish in a commercial capacity.
  - Accepted forms of proof: Landing Records, Shipment Records, Receiving Records, Employment history w/ references, Lease Contracts, Dept. of Agriculture Certification, and Records of retail sales.

### **Applying as a Firm**

For the purposes of this lottery application process, individuals will be allowed to enter the lottery for a subtidal shellfish mariculture lease as a firm, partnership, corporation, association, LLC, or any other entity. **The entity that is applying must submit all the information asked in the lottery application for each partner in the firm along with the firm's binding agreement.**

If any partner has received any Game and Fish violation from any state within two years prior to the lottery, the firm will not be considered for the lottery.

If any of the partners have been awarded a subtidal mariculture lease within three years of the lottery application deadline, the firm will not be considered for the current lottery. If the combined acreage leased by the firm meets or exceeds the maximum of 30 acres of subtidal water bottoms within the State, the firm will not be considered for the lottery.

The firm will be allowed to combine the bank instruments of every stakeholder to show the firm has the financial means to enter the lottery.

Priority points will be awarded to the firm if any of the partners meet the requirements for that priority point. The firm will only be awarded one (1) priority point even if multiple partners meet the requirements for that priority point.

The Department will award priority point(s) for shellfish experience to the firm for the partner who has the most shellfish experience. Combined shellfish experience for the firm will not be considered.

### **Lottery Selection Process**

Applicants will be placed into tiers based on their priority points. Winners will be chosen at random from candidates within the highest tier of priority points, then moving down by tier until all leases have been awarded. **Winners will only be selected from the highest priority point tier remaining until all leases have been awarded.** Winners will be offered leases in the order determined by the lottery.

**Example:** There are 7 leases and 10 applicants. Two have the max of 6 points, two have 5 points, two have 4 points, and 4 have 1 point. The pool with the max points (6) will be selected from first until no applicants are left. Then the pool with 5 points will be selected from until no applicants are left. Then the pool with 4 points will be selected until no applicants are left. One applicant of the four with 1 point will be selected at random for the last available lease.

**For any questions about this application, please contact the Department at (912)264-7218.**