



Instructions for the Transfer of a Commercial Shellfish Aquaculture Lease

1. Current lessee should complete and submit a *Request to Transfer a Commercial Shellfish Aquaculture Lease* form according to the directions on that form so that the Department can confirm eligibility and prepare personalized lease transfer documents. Regardless of who submits a transfer request, the personalized lease transfer documents and related application materials will be sent to the current primary lessee. Please allow up to 4 weeks for processing.
2. If a lease is to be transferred into the name of a business entity, the business must be active and in good standing with the State Department of Assessments and Taxation (SDAT). An individual with signatory authority and who is able to bind the business in a contract with the State must also submit, as part of the request described above: proof of an SDAT ID number (see <http://dat.maryland.gov>), a copy of the Articles of Organization, Operating Agreement and Resolutions (if required by the Articles of Organization or Operating Agreement), or Bylaws. A business entity must meet all leaseholder requirements outlined in Maryland statute to be eligible as an Assignee.

Is one or more Assignee a business entity? Yes No (if no, skip to step #3)

Articles of Organization provided? Yes No

Operating Agreement, Resolutions and/or Bylaws provided? Yes No

If a corporation, is it organized under the laws of Maryland?* Yes No

If a corporation, is more than 50% of stock owned by MD residents?* Yes No

*If answering "no" to either starred question, a corporation is not eligible to hold a submerged land lease.
3. Upon receipt of the personalized lease transfer forms from the Department, the current leaseholder(s), designated on the transfer form as "Assignor", and the individual(s) that will receive the transferred lease, designated as "Assignee", must sign and date the form in the presence of a Notary Public. All signatures must be on the same original document and witnessed and attested to by a Notary Public **on the day of signing**. If either the Assignor or Assignee is a business entity, the name of the individual with signatory authority, their business title, and the name of the company (per the business documentation received by the Department) will appear beneath the signature line on the form.

Have all parties to the agreement signed and dated? Yes No

Were all signatures attested to by a Notary Public? Yes No
4. The Assignee must submit a completed *Application for the Transfer of a Commercial Shellfish Aquaculture Lease* form detailing the proposed usage of the lease and signing all acknowledgements pages. This requirement is waived if the primary leaseholder is not changing.

Is a completed Application with diagrams attached? Yes No N/A (no change to primary)
5. The Assignee must submit a completed *Shellfish Aquaculture Harvester Permit (SAHP) Application* and *Summer Landing Declaration Form* – these requirements may be waived if the primary leaseholder is not changing; however, new or additional Permittees may be designated at the time of lease transfer if desired. An individual signing on behalf of a business must be named as the primary Permittee for that business.

Is a completed SAHP application attached? Yes No N/A

Is a completed Summer Landing Declaration attached? Yes No N/A
6. Upon receipt of transfer documents, the Department will review all application materials for completeness and confirm good standing and transfer eligibility. Some items may be waived if the primary leaseholder is not changing.

Monthly Harvest Reports current? Yes No

Assignee SAHP and Registration Cards returned? Yes No N/A (no change to primary)

Partial Year Usage Report attached? Yes No N/A (no change to primary)

Return all forms and documents to: Maryland Department of Natural Resources, Attn: Aquaculture Division – Transfer Request, 580 Taylor Avenue, E-4, Annapolis, Maryland 21401 or aquaculture.dnr@maryland.gov

Lease transfer application packages received after October 1st may be held until annual invoicing and reporting for the calendar year has concluded. A transfer is not valid until all documents have been returned to the Department of Natural Resources, approved, and executed by the Department. A copy of the executed and recorded transfer will be mailed to the Assignee designated as the primary leaseholder, with any new harvester cards to follow soon after. Leaseholders who also hold a lease permit from the US Army Corps of Engineers must follow the transfer instructions outlined in that permit.