

# Maryland Aquaculture Coordinating Council Minutes – November 14, 2019

## Members Attending

Mr. Webster, UME  
Mr. Roscher, DNR  
Dr. Harrell, UMD  
Lt. Medellin, NRP  
Ms. Brohawn, MDE  
Ms. Coulbourne, MDH  
Mr. Blackwell, Industry

Mr. Ferguson, MFB  
Dr. Cornwell, UMCES  
Mr. Wisner, Industry  
Mr. Witt, TFL  
Mr. Slade, MDA  
Mr. Slacum, ORP  
Mr. Gilmer, TFL

## Guests Attending

Kathryn Busch (DNR)  
Steve Schneider (DNR)  
Kellie Dennis (DNR)  
Alyssa Cranska (DNR)  
Maude Morris (DNR)  
Rebecca Thur (DNR)  
Simon Dean (Industry)  
Rachel Dean (Industry)

George O'Donnell (DNR)  
Bill Anderson (DNR)  
Linda Arnold (MARBIDCO)  
Terry Witt (Industry)  
Woody Francis (ACOE)  
Larry Jennings (CCA)  
Melissa Maule (Industry)  
Amy Hontz (MDH)

Caitlin Ceryes (Johns Hopkins)  
Nicole Cook (ALEI)  
John Barnette (Industry)  
Shannon Hood (UMCES)  
Jake Smuck (CBF)  
Stephan Abel (Industry)

## Call to Order

Chairman Blackwell called the meeting to order at 6:33pm and requested that Vice-Chairman Cornwell manage the meeting. Vice-Chairman Cornwell asked members and guests to introduce themselves.

## Administrative

### Approval of September 2019 Minutes

The September 12, 2019 meeting minutes were approved as submitted to the Council.

### Announcements and Introductions

- Mr. Slacum announced that Mr. Abel recently stepped down as the Executive Director of ORP. Mr. Slacum is acting as the interim director.
- Mr. Webster introduced Ms. Ceryes, a PhD candidate at John's Hopkins. She is conducting research pertaining to health and safety issues of shellfish producers and stated that she would be calling some industry members to conduct interviews.
- Mr. Roscher introduced Ms. Dennis, the newest member of the Aquaculture and Industry Enhancement Division at DNR.

## Special Orders

### Aquaculture Workgroup Process and Path Forward (Asst. Secretary Anderson, DNR)

The Department conducted a listening tour, with nine meetings, in March and April 2018. There were a range of concerns raised at them. The Department selected five main points to focus on and created a workgroup to address these concerns.

1. Early Lease Application Notification – the Department has developed an online tool that helps provide early notification about shellfish aquaculture lease applications in the state of Maryland. The tool went live in late 2018 and displays information about newly proposed leases, including applicant name, waterbody, acreage, application number, status, etc. The tool currently has close to 2,000 subscribers.

2. Penalty Review – concerns were raised about potential differences in penalties between commercial fisheries sectors (aquaculture vs. commercial). Ten different penalties were evaluated and several suggestions have been made to the penalty workgroup. Work is ongoing.
3. Protest Process Review – protests often result in a delay of the issuance of a lease and consume a significant portion of Aquaculture Division staff time. The protest process is established in law and changes would require legislation. The Department is developing a list of issues/conflicts considered to be valid and those considered invalid. Information will be made publicly available to increase awareness and understanding of the process and DNR's position. Work is ongoing.
4. Conflict Review and Resolution – the department is using internal policies/procedures to resolve conflict whenever possible. Action has been taken to reduce conflict related to hunting blinds (DNR Wildlife & Heritage Service), riparian property interests (Maryland Realtors), and trotlines (orderly alignment of leases). Work is ongoing.
5. Review and Modification – the Department has taken action to develop policies and actions related to workgroup issues and recommendations to address ongoing conflicts. The Council has taken action and provided recommendations to the department on several workgroup items which have been discussed at previous meetings. Work is ongoing.

Assistant Secretary Anderson requested that the Council continue to provide input on these issues.

## **Reports**

### Aquaculture and Industry Enhancement Division (Mr. Roscher, DNR)

The division received six new shellfish lease applications and fourteen new lease agreements have been executed since the Council's September meeting. Since September 2010, the division has received 556 lease applications and the state has issued 309 new commercial shellfish aquaculture leases covering ~6,190 acres. An additional 118 applications are in process. There are currently 455 active leases covering ~7,114 acres. A total of 2,685 permits have been issued for 433 leases in 2019. There are 14 lease applications currently under protest. A public information meeting for one of these has been scheduled in St. Mary's County for December 12.

Louis Wright, of the Hydrographic Division, recently retired. The division is transitioning some of his duties to other staff.

Annual leaseholder packets were mailed on November 1 to 440 leaseholders. The packets included an Annual Usage Report, 2020 Rent Invoice, Shellfish Aquaculture Harvester Permittee and Registrant Renewal Form, Tagging Fact Sheet, Summer Landing Declaration, Verification form, Industry Status Report Survey, Education Guide, Water Column Insurance information and a MARBIDCO flier. Leaseholders who wish to work their leases on January 1, 2020 must submit completed reports and rent payments to the department by December 5. All others must submit reports and rent payments no later than January 1, 2020.

### Natural Resources Police (NRP) Patrol & Enforcement Activities (Lt. Medellin, NRP)

Three NRP cadets will graduate on December 18 and will be sent to different regions of the state including the Eastern Shore, Southern and Central Maryland. Background checks are currently being conducted for an upcoming academy which will likely consist of 15-17 cadets.

### MD Department of Agriculture Seafood Marketing (Mr. Slade, MDA)

Seafood Marketing has been using print, radio and online advertising to campaign for oysters and other seafood in the DC Metro and Baltimore areas. They are seeking potential exhibitors for the 2020 Boston Seafood Expo. The cost to exhibit is \$2500 and interested persons are encouraged to contact the program. Maryland's Best Expo is scheduled for January 22 at the Naval Stadium in Annapolis. It provides an

opportunity to meet buyers from schools, restaurants and wholesale markets. Seafood Marketing is in the process of hiring a consultant to help identify markets outside of Maryland.

### **Continuing Business**

#### Review Remaining Aquaculture Workgroup Draft Policy/Regulatory Actions (Mr. Roscher, DNR)

The Department has recommended several policy actions after a series of workgroup meetings. The following were previously tabled for further discussion:

- VI) Issue: No requirements for the department to conduct a survey of lease sites that are proposed within oyster sanctuaries to determine if oyster resources lie within the boundaries of the proposed lease area
- **Policy Development:** Maryland law requires leases in sanctuaries to be compatible with oyster restoration. Require oyster density surveys to be conducted on all proposed sites within oyster sanctuaries unless there is recent density data available within the boundaries of the proposed lease site that warrant protection from leasing
    - Proposed sites will be required to be modified or denied when surveys indicate the existence of significant live oyster resources within the boundaries of the proposed lease site that warrant protection from leasing
- VII) Issue: No requirement for the department to conduct a survey of lease sites that are proposed in areas outside of PSFAs and sanctuaries to determine if wild oyster resources lie within the boundaries of the proposed lease area. Lease applicants can apply to lease areas which are not located in PSFAs that may contain live oyster resources and warrant protection from leasing
- **Policy Development:** When a lease is proposed in an area that is not within a PSFA, the department will conduct an investigation and/or oyster density survey when substantive evidence has been provided during the lease review process that the area contains significant live oyster resources that warrant protection from leasing
    - If an area is determined to be within a functional and productive oyster bar, lease applications will be required to be modified to mitigate impacts

#### ***Motion: Ward/Ferguson (amended by Blackwell)***

The Council voted to establish a workgroup to develop criteria for oyster densities on natural reef bottoms in sanctuaries and for PSFAs.

Mr. Roscher agreed to email potential members and facilitate selection of non-Coordinating Council members for the workgroup.

### **New Business**

DNR will be handling harvest verification for nutrient credit trading, a program developed by MDE. Council members were provided with copies of the Oyster Best Management Practice Harvest Verification Process Description and Harvest Verification Request Forms. The department is ready to start receiving completed forms from leaseholders. An informational brochure that will outline survey protocols is being developed.

Mr. Roscher shared scoping information regarding possible changes to regulations for classifying areas as Public Shellfish Fishery Areas (PSFA) with Council members. The regulatory change would formalize a policy and process to determine if an area meeting certain criteria will be classified as a PSFA.

**Public Comments**

Mr. Barnette stated that he believes historic leases should be exempt from oyster density surveys. These sites were developed on previously classified 'barren bottom' using shell deposited by the initial leaseholder. Since these were aquaculture sites, they should always be allowed for leasing.

Mr. and Ms. Dean both provided comments about an application for a lease which the department has not issued. They stated that the department has not established a threshold for oyster densities but their application has been denied without an official policy in place.

**Adjourn**

The meeting was adjourned at 8:51pm. The next regularly scheduled meeting will be held Thursday, January 9, 2020 at 6:30pm in the Maryland Department of Natural Resources, C-1 Conference Room.