

Maryland Aquaculture Coordinating Council Minutes – September 14, 2017

Members Attending

Donald Webster
Colby Ferguson
Karl Roscher
John VanAlstine
Eric Wisner
Stuart Dawson
Lt. Catherine Medellin

Kim Coulbourne
Kathy Brohawn
J.D. Blackwell
Paul Spies
Delegate Johnny Mautz
Evan Richards (representing Sen. Klausmeier)

Guests Attending

Chris Aiken (Industry)	Bill Cox (Industry)	Kathy Anderson (USACE)
Larry Jennings (CCA)	M.J. Dubois (Industry)	Woody Francis (USACE)
Kathryn Busch (DNR)	Ron Williams, Jr. (Industry)	Adriane Michaelis (UMD)
Steve Schneider (DNR)	Bill Anderson (DNR)	Brian Russell (Industry)
Nat Warning (DNR)	George O'Donnell (DNR)	Susan Bunsick (NMFS)
Kari Bradberry (DNR)	Scott Robinson, Sr. (Industry)	Kevin Madley (NMFS)
Maude Morris (DNR)	Scott Robinson, Jr. (Industry)	Ginny Vanderlinde (USGAO)
Kevin Chu (NMFS)	Allison Roe (MARBIDCO)	Alyssa Hundrup (USGAO)
	Carlos Lazo (USACE)	

Call to Order

Chairman Webster called the meeting to order at 6:33 pm. He recognized Assistant Secretary Bill Anderson and George O'Donnell from the MD Department of Natural Resources and thanked them for attending.

Administrative

Approve July Minutes

With no revisions, the July 13, 2017 minutes were approved as submitted.

Announcements

Chairman Webster noted that copies of the East Coast Shellfish Growers Association newsletter were available for members and guests.

Reports

Council Annual Report (Chairman Webster)

Chairman Webster thanked Ms. Coulbourne and the Aquaculture Division for their work on the 2017 Annual Report and copies were provided to the members.

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

The division received nine new lease applications since the last meeting. A total of 49 new applications have been received in 2017. Three new Shellfish Lease Agreements have been executed since July and three are pending. In 2017, 82 Shellfish Import Permit applications have been received with five since the last meeting, with a total of 70 issued. Since September 2010, the division received 445 lease applications. The State has issued 225 new commercial shellfish aquaculture leases. There are 394 active leases (330 SLL & 64 WC) covering 6,455 acres. In 2017, the division issued 2,016 permit cards. To date, the number of individuals permitted for 2017 is 468 and total leases permitted for 2017 is 372. Eighteen lease applications are under protest with 18 requests for public information meetings.

Shellfish Aquaculture Financing Programs (Ms. Roe, MARBIDCO)

Ms. Roe provided a handout detailing MARBIDCO loan activities. They have approximately \$1.7 million available for projects and encouraged those interested to contact her or Linda Arnold.

Tidal Fisheries & Oyster Advisory Commissions (Mr. Blackwell, 38° North Oysters)

Mr. Blackwell did not have updates on TFAC, as their last scheduled meeting was cancelled.

At the last OAC meeting OysterFutures, a research program funded by the National Science Foundation, was discussed. The goal of OysterFutures is to develop fishing recommendations and restoration policies that meet the needs of stakeholders in the Choptank and Little Choptank Rivers. Mr. Blackwell stated that DNR is interested in considering deeper waters for restoration sites in the Choptank River, as they would like to avoid shallow water problems they experienced in Harris Creek.

A final decision has not been made on the last two oyster restoration areas. OAC is reviewing a list of options that will go to the Administration for consideration. The current top choice is Breton Bay.

The Man O' War Shoals dredge permit is still outstanding, with a response from the Army Corps of Engineers expected by the end of the year (2017).

ISSC Vibrio Workshop (Ms. Coulbourne, MDH)

Ms. Coulbourne attended the ISSC National *Vibrio parahaemolyticus* Workshop on Sept. 6 and 7, 2017 in Baltimore, MD and provided highlights of key discussions.

Data from the Centers of Disease Control and Prevention increased foodborne *V. p.* incidence between 2007 and 2015. Suggested explanations are the increased consumption of shellfish and the availability of medical testing/increase in tests administered by doctors. Unfortunately, more than half of foodborne *V. p.* cases associated with shellfish have no harvest area information because several states do not collect it, since it is not permitted by their laws. The CDC reports an increase in the number of unreported *V. p.* illnesses and estimates that in 2005 there were 20 unreported cases for every one reported and 141 unreported for every each reported in 2011.

Risk Calculators and serving sizes were also discussed. The current serving size for raw oysters is thirteen, as determined by NMFS landings. The ISSC is considering altering this number, as some argue that the current serving size is too large and should possibly be decreased.

While the year is not yet over, Ms. Coulbourne stated that so far, the State of Maryland has a very low *V. p.* incidence rate for 2017.

The 2017 ISSC Biennial Meeting will be held from Oct. 14–19 in Myrtle Beach, SC. Ms. Coulbourne encouraged industry members to attend and mentioned financial assistance available for first time industry attendees.

Continuing Business

Commercial Shellfish Harvester Closure Area Information Portal (Mrs. Busch, DNR)

DNR and MDE annually produce a Shellfish Closure Book which is made available to wild harvesters. It has included information about water quality classifications and where it is legal/illegal to harvest based on these classifications. In January 2017, the Aquaculture and Industry Enhancement Division partnered with other divisions to create an online tool to provide lease coordinates to the industry. Information about the tool and harvester responsibilities related to shellfish leases was added to the 2017 closure book.

Mrs. Busch provided the Council with a demonstration of the tool and explained important features:

- When opened, the user must agree to the following before being allowed to proceed:
“It is a shellfish harvester’s responsibility to be aware of the locations of these leases. Violations of shellfish laws may result in criminal conviction, fine and/or a suspension or revocation of your tidal fish license by a Court or the Department of Natural Resources. Harvesting oysters from a leased area by a person other than the leaseholder or the leaseholder’s official designee is illegal and may result in immediate oyster authorization revocation proceedings under Natural Resources Article, Section 4-1210, Annotated Code of Maryland. Thank you for your cooperation.”
- Individuals without internet access can obtain a printed copy by contacting the department.
- Leases are issued on a regular basis. Any issued after the initial launch of the tool will be listed, in order, in a bar on the left side of the screen.
- From the tool, you can access an interactive map and text document listing lease coordinate information. The text is in alphabetical order by body of water and county.
- Clicking on a lease in the interactive map prompts a box containing legal boundaries (text) of the selected lease. This is the same information found in a lease agreement.
- Leaseholder’s personal information is not included in any part of the tool.
- Other information provided in tool includes: oyster sanctuaries and water classifications.

Currently, there is not a smartphone app but the tool will work on smartphones. Mrs. Busch requested that Council members and guests try the tool and provide feedback to the department. The tool aims to inform watermen where leases are located, which is helpful when corner markers are missing, and to help prosecute theft/damage cases. Lt. Medellin noted that NRP has used electronic evidence in court and that the tool will help NRP with future cases.

SAV Workgroup (Mr. Roscher, DNR)

The SAV Workgroup held their third and fourth meetings on July 19, 2017 and August 30, 2017 at the Wye Research and Education Center and MD Department of Natural Resources Tawes Building, respectively. Summaries of the meetings were provided to council members.

At the July 19 meeting, leaseholders showed aquaculture gear and discussed deployment, maintenance and harvest practices in Maryland waters. Dr. Suzanne Bricker presented Oyster Aquaculture Practices in the Maryland Chesapeake Bay while industry members Bill Cox and Brian Russell demonstrated the cages they use for their businesses. They also discussed the pros and cons of different gear types. Ms. Hannah Catt and Ms. Melissa Stefun provided a summary of their research entitled, “Does oyster aquaculture have a detrimental effect on SAV growth, or is there a way to grow both?”

At the Aug. 30 meeting, members focused on developing specific recommendations to be submitted to the Council before their November meeting, to provide an assessment of aquaculture and SAV interactions and recommend solutions to conflicts. In 2017, a law was passed providing the Department of Natural Resources with authority to adopt regulations establishing standards, and a process by which the department may assess and evaluate a lease where SAV has encroached, to determine if aquaculture activity on it shall be restricted or prohibited by the circumstances of encroachment. The law is set to expire on May 31, 2018. Members discussed the literature reviews conducted by MSU–PEARL staff and UMD Agro-Ecology Institute interns. It was agreed that recommendations to the Council would focus on:

1. Modifying legislative language to allow DNR discretion when addressing SAV and existing leases.
2. Establishing BMPs and/or quantitative metrics to be used in developing regulatory requirements.
3. Identifying key topics for research needed to address gear interactions specific to Maryland waters.

The next workgroup meeting is Sept. 27, 2017, followed by the final meeting on Oct. 18, 2017. A report will be provided to the Council at their November meeting.

New Business

Federal Shellfish Aquaculture Permitting Review - U.S. Government Accountability Office (GAO)

Chairman Webster asked Council members and guests to introduce themselves for the GAO investigators present.

The GAO is in the process of reviewing federal aquaculture permitting by the US Army Corps of Engineers (ACOE) after receiving a request by high ranking members of Congress. The staff was invited to the Council meeting to provide background on their engagement to the Council and hold discussions with industry attending.

The representatives explained that the GAO is a non-partisan, independent organization that works for the public and produces reports. They attended the Council meeting to get feedback and hear viewpoints about experiences working with the ACOE and other federal agencies on aquaculture permitting. They asked for examples, ideas for streamlining the permitting process, making the process more efficient/faster, and other ways to help the industry.

Mr. Blackwell expressed frustration with the permitting required for aquaculturists in Maryland, as they must be permitted by the state and also by the ACOE. He believes that the ACOE likely does not have enough aquaculture specific staff onboard, which contributes to an already lengthy timeline, and are restricted by endangered species requirements. He explained that he has paid thousands of dollars in rent on state approved/permitted leases over the past few years but is unable to use them because he is still waiting for ACOE permits.

Mr. Wisner expressed his gratitude and remarked how much it has benefited Maryland economically.

Ms. Brohawn explained that the Environmental Protection Agency gives the MD Department of the Environment the authority to issue permits. She suggested that, since they look for similar things, the ACOE and the Department of Natural Resources could agree on where the department could issue permits on behalf of the ACOE. Mr. Russell expressed an interest in this method and noted that North Carolina is doing something similar with success.

Chairman Webster thanked the GAO representatives for attending and invited them to return for a future meeting. Ms. Vanderlinde and Ms. Hundrup requested that Mr. Roscher distribute their contact information and requested anyone with comments to contact them with information.

Aquaculture Enterprise Zones (Mr. Roscher, DNR)

The Department is considering removing Aquaculture Enterprise Zones designated in the Patuxent River. It supports removing the designation and opening areas for leasing. Mr. Roscher will notify the Council when scoping begins and asked that they provide feedback.

Motion: Chairman Coulbourne/Blackwell

Members approved the following motion: Currently designated Aquaculture Enterprise Zones in Maryland should be removed and the areas opened for leasing.

Public Comments

There were no public comments.

Adjourn

The meeting was adjourned at 8:46pm with the next regularly scheduled meeting to be held on Thursday, November 9, 2017 at 6:30 pm in the Maryland Department of Natural Resources, C-1 Conference Room.