Oyster Aquaculture Tiger Team Meeting
Karl R. Roscher, Director
DNR Aquaculture Division
• HB1053/SB847-consolidated shellfish aquaculture permitting authority at DNR
  – Department now responsible for issuing submerged land and water column (cages, floats) leases in Chesapeake and MD Coastal Bays
  – Aquaculture Coordinator employed by DNR
  – Administer the Coordinating Council and Aquaculture Review Board

• To facilitate shellfish aquaculture development
• Consolidation and reorganization of leasing process effective July 1, 2011

• Established Aquaculture Division
  – Leasing & Permitting Program
  – Field Operations
  – 5 current staff
DNR’s New Role in Maryland Aquaculture

• Administer all aspects of bottom and water column leasing program
  – Coordinate interagency review – State and Federal officials
  – Issue new leases, transfers and renewals
  – Invoicing and annual reporting
• Review and issue shellfish aquaculture permits
  – Import, Nursery and Shellfish Aquaculture Harvester Permits
• Administer non-shellfish aquaculture permits
  – Finfish, turtles, corals, etc.
DNR’s New Role in Maryland Aquaculture

Project Activities – Field Operations

- Conduct bottom surveys, depth profiles and lease site inspections for compliance
- Work with leaseholders to locate shell, seed and equipment
- Address questions, concerns and problems identified by growers
- Provide assistance in lease management
- Coordinate Marylanders Grow Oysters Program
• New steps for leasing in MD
• Joint State/Federal Lease Application Process
  – Consultation/ Pre-planning
  – Aquaculture Review Board
  – Application materials
• Lease Application Review Process
  – DNR Review and ACOE Review
• Public Notice Process
• Lease Agreement / Permit Issuance
• Review the application materials and instructions
  – www.dnr.state.md.us/fisheries/oysters/industry/aquaculture

• Review all applicable statutes and regulations
  – For laws, see: www.lexisnexis.com/hottopics/mdcode/
  – For regs, see: www.dsd.state.md.us/comar/

• Inform yourself about potential lease sites

• Contact us to discuss potential conflicts
  – Get a map to fine tune your area of interest

• Mark the center of the area with a stake

• Educate neighbors
Things to avoid when choosing your site:

- Public Shellfish Fishery Areas (PSFAs)
- Yates Bars within Sanctuaries
- Harvest Reserve Areas
- Submerged aquatic vegetation (SAV)
- Registered pound net sites
- Restricted/prohibited water classification
- Other existing leases
- Federal navigation channels and buoys
- Commercial fishing conflicts
- AND other resource conflicts not shown here
One-on-one meetings are available to review proposed lease locations in advance of submitting an application.
Aquaculture Review Board:

- Panel of reviewers from multiple State and Federal agencies
  - MD DNR - Chair
  - MD DHMH
  - MDE
  - MHT
  - NOAA NMFS
  - ACOE Baltimore District
  - USCG Hampton Roads
Joint Application Form

- **Fee structure**
  - $300 on-bottom
  - $150 AEZ
  - $300 water column
  
  (Regulations pending that would establish application fees for water column leases)

- **Individual or Corporation may apply, if eligible.**
Major components of the application:

• Applicant / Corporation information
• Description of lease location and site
  – waterway, min. & max depth, tide, bottom type, distance from shore, other uses
• Maps: lease location, offloading site, staging/equipment storage site and nursery facility (upweller, remote setting tank, etc.)
• Diagrams: Cross-section, in-water equipment
• Production Information
• Signatures
Example of how to show the location of your proposed site using a map and aerial diagram:

*Please include this info on all diagrams submitted with your lease application*

Name/Business: John I. Doe  
Town, State: Your Town, MD  
Waterbody: Your River  
Date: October 1, 2010

*At least two of these corner coordinates should match those given on your cross-section diagram.*

Marker buoy (8x12” with name and lease #)
**Cross-Section Example 1:**

**Constant bottom depth**

- Marker buoy (8x12" with name and lease #)
- MHW = mean high water
- MLLW = mean lower low water

9'6" max. depth above shell (1’ diurnal tidal range)

*Your water depths and max shell depth should be specific to your proposed site and production plan.

Maximum height = 6" oyster shell added on bottom

450 yards

*These corner coordinates should match those given in the aerial map.

**Name/Business:** John I. Doe

**Town, State:** Your Town, MD

**Waterbody:** Your River

**Date:** October 1, 2010
**Cross-Section Example 2: Variable bottom depth**

- **Marker buoy (8x12” with name and lease #)**
- **MHW** = mean high water
- **MLLW** = mean lower low water

**Diagram Notes:**
- Maximum height = 6” oyster shell added on bottom
- 21’ max. depth above shell (1.5’ diurnal tidal range)
- 4.5’ min. depth above shell
- 5’ water depth at MLLW

**Name/Business:** John I. Doe  
**Town:** Your Town, MD  
**State:** Your Town, MD  
**Waterbody:** Your River  
**Date:** October 1, 2010

**Notes:**
- Please include this info on all diagrams submitted with your lease application.
- These corner coordinates should match those given in the aerial map.
Cross-Section Example 3: Constant bottom depth with predator exclusion net

*Please include this info on all diagrams submitted with your lease application*

**Name/Business:** John I. Doe
**Town, State:** Your Town, MD
**Waterbody:** West River
**Date:** October 1, 2010

- **Marked Buoy (8x12” with name and lease #)**
- **MHW** = mean high water
- **MLLW** = mean lower low water

- **xx°xx.xx’ N xx°xx.xx’ W**
- **xx°xx.xx’ N xx°xx.xx’ W**

- **9’6” max. depth above shell (1’ diurnal tidal range)**
- **8’ min. depth above nets**
- **Maximum height = 6” oyster shell added on bottom**

- **450 yards**

*These corner coordinates should match those given in the aerial map.*

*Your water depths and max shell depth should be specific to your proposed site and production plan.*
Cross-Section Example 4: Constant bottom depth with cages, floats, and/or predator exclusion net

- Marker buoy (8x12" with DNR contact info)
- MHW = mean high water
- MLLW = mean lower low water
- Floats with max dimensions = 10' x 5' x 12"
- Cages with max dimensions = 6' x 8' x 24"

Name/Business: John I. Doe
Town, State: Your Town, MD
Waterbody: West River
Date: October 1, 2010

19' max. depth above shell (~1.5' diurnal tide range)
17.5' max. depth above cages
16' min. depth above cages
Maximum height = 24" of cages added on bottom
Maximum height = 6" oyster shellnet added on bottom

800 yards
Application Materials – Equipment Details

- 3-D sketches and/or photos of all in-water equipment
- Dimensions (l x w x h)
- Quantity
- Configuration within lease area
DNR Application Review Process

- Submission of application to DNR
- State review of application for completeness
- State legal and resource review
- Hydrographic survey of proposed lease location
  - Determination and marking of legal corner coordinates
- Additional materials created by DNR to accompany the application to Corps
- Application forwarded to Corps
DNR Public Notice Process

- Two consecutive weeks notification in county newspaper followed by a 30 day comment period
- Other Notifications: Adjacent landowners, Chair of County Oyster Committee, DNR website
- Public Information Session and/or Legal Mediation and/or Administrative Law Hearing
- Content: Applicant(s) names, lease county and general location description, lease Type, survey coordinates, expected harvest method(s) and shell planting depth, instructions and deadline for requesting further action, map of lease and vicinity
ACOE Application Review Process (Baltimore Dist.)


- Application materials received from DNR
- Determination of permit review process
  - Individual Permit (IP)
  - Regional General Permit-1 (RGP-1)
- Corps review of application for completeness
- Partner agency consultations
- 30-day public notice (IP only)
- Permit issuance within 60 days for RGP
Regional General Permit-1 Eligibility and Process


- Single project lease acreage thresholds:
  - 50 acre bottom lease
  - 5 acre water column lease w/cages
  - 3 acre water column lease w/floats

- Partner agency consultations streamlined

- No Federal public notice required

- DNR to assist with Federal Agency notifications:
  - Notice to Mariners, PATON Application, Nav Charts, SAHP

- RGP-1 Verification Letter issued within 60 days of receiving complete application
DNR Lease Agreement

- Mailed to primary applicant once notice process has concluded and any significant public concerns are resolved
- Work in coordination with the Corps to ensure that both agencies plan to issue at approximately the same time
- Once signed agreement is received back, State executes and records lease
- Executed copy mailed back to primary applicant with other enclosures
- Valid for 20 years with one renewal
What do I need to do to keep my lease in good standing???

• Pay Annual Rent
• Yearly Activity Reporting
• Obtain Shellfish Aquaculture Harvester Permit
  – Submit Monthly Harvest Reports
• Obtain other necessary permits where applicable
Rent due yearly upon receipt of invoice from the Department

• Submerged land lease: $3.50 per acre

• Water column: $25 per acre
  (pending approval of proposed regulations)

Failure to pay rent will result in termination of lease
Annual report of activity is mailed out with yearly invoices

- Details previous years planting, harvesting and maintenance activity
- Requires documentation of purchases of larvae, seed and shell
- May request additional information from leaseholder about resource needs and training needs as necessary

Failure to submit report will result in termination of lease
Maryland is open for business and ready to grow!

**Bottom leases:**
- 350 leases
- 3800 acres
- shell on bottom

**Water Column leases:**
- 28 active leases
- 100 acres
- oyster cages & floats

2012 Industry
2012 Challenges

• Limited Shell Resources
  – Majority of leases are shell on bottom
  – Growers need shell to set oysters and stabilize and plant bottom to be productive
  – Need to expand access to existing shell resources
    • Oyster shell reclamation, clam shell supply
  – Evaluate alternative materials
    • Limestone, granite, concrete
    • Work ongoing to determine feasibility
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<th>Position</th>
<th>Name</th>
<th>Phone Number</th>
<th>Email</th>
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<tbody>
<tr>
<td>Aquaculture Division Director</td>
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<td><a href="mailto:kroscher@dnr.state.md.us">kroscher@dnr.state.md.us</a></td>
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<tr>
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Who will be the permittee?

The leaseholder(s)

Who is the registrant?

All individuals other than the leaseholder/permittee conducting aquaculture activities on the lease
New lease applicants and transfer applicants will receive an application with lease contract upon approval of the lease/transfer.

Existing leaseholders will receive an application with lease invoice and yearly report forms in February.
Both the SAH permittee and registrants will be issued registration cards

The cards are:

• Issued annually
• Renewed automatically if reporting requirements met and no violations
• Not transferable
Permittee is responsible for:

Notifying department of any changes to the registrant list on a form provided by the department

Submitting a monthly harvest activity report by the 10th day of the month
<table>
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<tr>
<th>Date and Time</th>
<th>Number Harvested</th>
<th>Specify Volume (Count, Bushels, or other)</th>
<th>Gear Type (power dredge, diver, patent Tongs or other please specify)</th>
<th>Lease Site(s) Where Harvest Occurred</th>
<th>To Whom Sold (Registered Buyer License Number)</th>
<th>Port or Creek of Landing</th>
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All permittees and registrants must:

• Possess a valid registration card while working on lease

• Harvest in accordance with all DHMH regulations including the National Shellfish Sanitation Program, including tagging and summertime harvest restrictions

• Have written permission from the Department for undersized oysters outside of the leased area

• Sell oysters in accordance with current regulations
Registration cards can be suspended for:

• Violation of aquaculture laws and/or regulations
  – Natural Resources § 4-11A
  – COMAR 08.02.23

• Conviction for taking oysters
  – From within 150 feet of a closed/prohibited area
  – With illegal gear
  – More than 2 hours after sunset or before sunrise
  – During the closed season
Import Permit

Permit required in order to import **ANY** shellfish taken from waters outside of the State for planting in the waters of the State.

- live oysters
- seed oysters
- oyster shell
- clam shell
- live clams

Applications must be received at least **30 days** in advance of shipment.
A nursery permit is required for any aquaculture nursery activities including:

Remote Setting
Upwellers
Downwellers