

Fisheries Regulatory Scoping October 2013

Please review the following possible regulatory changes. DNR is looking for your advice on how to proceed with scoping (i.e. open houses, web feedback only, etc.).

American Eels — Recommendations from ASMFC American Eel Draft Addendum III

As a result of the last ASMFC Board meeting, there will be several changes to eel regulations in Maryland. A coastwide minimum mesh size of ½” x ½” mesh will be required for all eel pots. There will be a 3 year phase in period where an escape panel of ½” x ½” (16 square inches) can be used on smaller mesh pots (this is the current regulation Maryland has in place). The only change will be that after 2016, the escape panels will no longer be allowed and the whole pot must be the minimum mesh size. Additionally, there will be a prohibition of harvest of American eels from gears other than pots, traps, and spears from September 1 to December 31. Therefore the harvest of eels in the Fall with fyke nets and pound nets would no longer be permitted.

Current Scoping Idea(s): Maryland had a public hearing on ASMFC’s Addendum III on April 18th in Annapolis. The regulatory ideas would be posted on the website.

Aquaculture — Recommendations from Aquaculture Division Staff

Current Shellfish Aquaculture Harvester Permit (SAHP) regulations require leaseholders to register anyone other than SAHP permittees, engaging in aquaculture activities while on a lease, with the Department. This requirement has made it difficult for leaseholders to utilize short term/temporary workers on their lease sites. The Department is interested in amending existing regulations to provide leaseholders with more flexibility in utilizing temporary workers on their leases and without having to register each individual under the SAHP.

Current Scoping Idea(s): The idea would be scoped on the Department's website and at public meetings of the Aquaculture Coordinating Council and Oyster Advisory Commission.

Oyster Shell Pricing— Recommendations from Staff Based on Discussions with Stakeholders

Overview: The Department is required by regulation to annually assess the market price for shell, and to set the price paid to shucking houses based upon this assessment. The Department is proposing to increase the price paid for shells from \$0.50 per bushel to \$2.00 per bushel.

Background:

The Department paid \$0.25 per bushel of shell for many years, and was able to buy nearly all shell produced from Maryland’s shucking houses. In 2010, in recognition that the new lease law and growth in shellfish aquaculture would increase shell demand, the shell price was doubled to \$0.50 per bushel. During the 2012/2013 oyster season the Department was unable to purchase oyster shells. Personal communications with officials in Virginia, Maryland shucking house owners, and leaseholders revealed that the price being paid to shucking houses during the season ranged from \$2.00 to \$2.50 per bushel, making it unlikely that MD would have an opportunity to purchase shells unless we increased the price paid.

There is a substantial need and shortage of oyster shell to support Maryland’s oyster sanctuary restoration program, oyster hatchery production, aquaculture industry and public oyster fishery. Oyster shell needs are specific to the type of oyster shell. For this exercise, we are discussing oyster shell needs for ‘fresh shell’ (shucking house shell) rather than ‘bottom hardening shell’ (fossil oyster shell and alternative oyster shell

material such as clam shell and conch shell). Fresh shell is preferred for hatchery spat setting operations because it has outperformed (better spat sets) other shell materials. Bottom hardening shell is planted on an oyster bar or lease to enhance natural spat set by increasing the amount of hard bottom habitat, and/or to support hatchery seed plantings. Research has shown that the survival of hatchery seed oysters is positively correlated with the condition of the hard bottom substrate that they are planted on. While fossil shell is preferred for bottom hardening projects, alternative oyster shell materials have also proven to be acceptable.

Fresh Shell Availability: Primary use is for spat setting in hatcheries.

- Current Supply: 409,000 bushels (stored in Crisfield and Grasonville)
- Bushels Produced Annually
 - Maryland shucking houses: 125,000-200,000 bushels
- Annual Demand:
 - Sanctuary Restoration: None other than the fresh shell that is used for hatchery spat setting operations which are included below under ‘Hatcheries’.
 - Aquaculture: 25,000 and projected to increase as more private remote setting facilities are established.
 - Hatcheries: 125,000 at current production level of 700 million to 1.2 billion spat on shell depending on spat set rates. 2-3x this amount for the hatchery to run at full potential.

Table 1. Fresh shell current supply, amount produced annually, and projected annual demand. Demand can be higher than production when shell is imported from Virginia or Delaware.

Fresh Shell (bushels at)	2013	2014	2015*	2016	2017
Year End Supply**	400,000	210,000***	80,000	0	0
Produced Annually	125,000	125,000	125,000	125,000	125,000
Annual Demand	150,000	150,000	175,000	175,000	175,000

* Incorporates an additional 25,000 bushels for aquaculture industry.

** Based on a July 2013 census, an annual removal rate of 130,000 bushels per year, and assumes the inability of the State to acquire more fresh shell from MD shucking houses. Options to address this situation and purchase out of state fresh shell are outlined in the ‘options’ section below.

***Includes a one-time 60,000 bushel removal for the commercial fishery

Current Scoping Idea(s): The idea would be scoped on the Department's website and at public meetings of the Aquaculture Coordinating Council and Oyster Advisory Commission.