

Maryland Aquaculture Coordinating Council
Minutes – March 14, 2013

Members Attending:

Don Webster	Don Flax	Karl Roscher
Craig Mask	Andy Lazur	Reggie Harrell
Terry Witt	Jon Farrington	Chip Vernon
Andrew Buck	Johnny Shockley	Kathy Brohawn
Stacy Kubofcik	Kim Coulbourne (for Erin Butler)	

Guests:

Steve Schneider, DNR	Rebecca Thur, DNR
Cathy Wazniak, DNR	Kate Meade, DNR
Kelton Clark, Morgan State University	Eugene Morris
Steve McHenry, MARBIDCO	William Cox, Honga Oyster
Mandy Burch, Shore Thing Shellfish	Brian Russell, Shore Thing Shellfish
Sheldon Russell, Shore Thing Shellfish	Kevin Boyle, Shore Thing Shellfish
Jack Devine, Barren Island Seafood	Dave Schwenk
Peter Bergstrom, NOAA Chesapeake Bay	Larry Jennings, CCA
Carol McCullough, Philips Wharf Environmental Center	

Call to Order

Chairman Webster opened the meeting and read a memorial tribute to Larry Simms, founder and 40-year president of the Maryland Watermen's Association.

Chairman Webster welcomed Stacy Kubofcik, a new member of the Council. Ms. Kubofcik is replacing Mindie Burgoyne as the representative for the Maryland Department of Business and Economic Development (DBED).

Administrative

Approve Meeting Summaries

The November 2012 and January 2013 meeting summaries were approved by the Council.

Announcements (Chairman Webster and Members)

- **Maryland Shellfish Aquaculture Conference, April 8, 2013**, Doubletree Hotel, Annapolis, Maryland. Anyone interested in attending is strongly encouraged to preregister as soon as possible. The program will include a panel discussion with representatives from four large North American shellfish producers. There will also be presentations about marketing issues and industry producer associations. Conference brochures are available from the University of Maryland Extension 410-827-8056 and Karl Roscher at DNR.

- **Interstate Seafood Seminar, April 17 - 19, 2013, Rehoboth Beach, Delaware.**
http://www.issc.org/client_resources/2013%20iss%20welcome%20letter.pdf
- **Spring Regional Aquaculture Workshops** will be held by University of Maryland Extension at four locations. Current shellfish leaseholders and applicants receive workshop announcements by mail. Current leaseholders and applicants will be able to sign up for Remote Setting Training access to systems at the workshops. Information is available from UM Extension 410-827-8056.
- **USDA Oyster Bed Restoration Program Funding.** April 19 is the deadline to sign up with ranking of applications on May 10. Interested leaseholders should contact their local Soil Conservation District. There is discussion of an early start waiver to allow leaseholders to begin earlier this year. (Craig Mask)
<http://www.md.nrcs.usda.gov/programs/eqip/2011/oyster.html>

Reports

Review Board (Mr. Roscher)

Mr. Roscher provided the Council with a summary of the Department's shellfish aquaculture leasing and permitting activity. The Department has received 177 applications for leases since September 2010. Fifty-two leases have been fully executed, eight are being prepared for issuance and 87 applications are still in various stages of the review process. Currently, seven lease sites are on public notice and another three lease sites have recently completed the public notice requirement.

Mr. Roscher reviewed the steps that the Aquaculture Division is taking to reduce the backlog of lease applications currently under review. Next week an additional employee will be starting as a temporary assistant for lease application reviews and processing. In addition, DNR has made additional staff available to work with the Aquaculture Division on a temporary basis. The Aquaculture Division has been cleared to fill the permanent Natural Resources Planner position and will start work filling this position immediately. Another permanent position may also be available to the Division in the future.

Mr. Roscher discussed the recent legal decision to deny the application for a proposed lease in the Maryland Coastal Bays. The decision, made by an administrative law judge at a hearing in Salisbury, Maryland, was based on the interpretation of the Public Trust Doctrine in light of arguments presented by recreational users who made a formal protest to the application. DNR plans to appeal the decision to deny the lease.

Requests for Current Shellfish Aquaculture Lease Data

The Aquaculture Division receives many data sharing requests from groups and agencies interested in the location and information about active shellfish aquaculture leases in Maryland. At this time lease location data (other than the general location information that is available on the public online shellfish aquaculture siting tool) is not being shared

by the Aquaculture Division with any groups in DNR outside of the Fisheries Division or with outside agencies other than the US Army Corps of Engineers and MDE aquaculture permitting groups. The shellfish aquaculture siting tool data that is available to the public does not identify currently active leases. The Division is currently discussing what additional information should be made public. These issues will be discussed further with the Council at a later meeting.

Aquaculture size limit regulations (Mr. Roscher)

Emergency regulations allowing the following: sale of oysters as small as 2 inches; a one inch maximum seed size limit; a 5% tolerance limit; application fee for water column leases of \$300; and an annual rent of \$25 per acre for all water column leases, have been extended once already.

Permanent regulations that fully adopt the emergency regulations and the sale of farm-raised oysters from water column leases as small as 2 inches year round will go into effect this summer.

Shellfish Aquaculture Financing Programs (Mr. McHenry, MARBIDCO)

Mr. McHenry discussed the meeting handout, “Summary of Approved Aquaculture Loans” and noted that funds become available to be loaned out again as loans are paid up.

- Remote Setting Project Loans – Maryland Port Administration, in partnership with DNR, is providing funds for remote setting loans. The deadline for applying is March 25, 2013. There is a 25% subsidy.
- Shellfish Aquaculture Financing Program Loans – Another round of loans will be available this summer. Application deadline is in mid-June with a 40% subsidy.
- NRCS Environmental Quality Incentives Program (EQUIP) Loans – This program provides financial and technical assistance to eligible applicants to restore oyster beds in approved restoration sites throughout Maryland’s portion of the Chesapeake Bay Watershed.

Industry Development Priorities Workgroup (Dr. Lazur)

The workgroup met and developed a list of industry survey questions to present to members of the industry in Maryland. The work group has asked a UM expert with experience in survey design to review the questions. The group will meet again via conference call to review and to plan for disseminating the survey and compiling results. The group anticipates having results to share with the Council at the July meeting.

Shellfish BMP Revision Workgroup (Kim Coulbourne for Erin Butler)

The BMP Workgroup met and reviewed the 2010 ECSGA BMP manual. The group decided that they would like to recommend that the Council adopt the ECSGA BMP manual with an appendix that specifically addresses policy needs in Maryland. The workgroup will present their recommendation at the July 2013 meeting.

Special Order

Diarrhetic Shellfish Poisoning (DSP) (Cathy Wazniak, MD DNR)

Ms. Wazniak presented research that DNR has conducted on toxic algae blooms in the Chesapeake and Coastal Bays and associated risks of DSP. Shellfish Poisoning is associated with shellfish such as clams and oysters that are filter feeders and can accumulate toxins produced by microscopic algae such as dinoflagellates.

Ms. Wazniak described the Maryland program for monitoring these relatively rare organisms that can, under certain circumstances, produce toxins. People can become sick from eating shellfish that have ingested toxic algae. She assured the group that there have been no reports in of illness related to toxic algae in Maryland. However, incidents in Washington State and Canada have occurred and the algae have been problematic for European aquaculture for some time. Symptoms of illness related to toxic algae include upset stomach but most people fully recover in three days. Toxic algae have been detected in the Maryland coastal bays and the Potomac River. The algae have not been detected every year in these areas and FDA has only been able to detect shellfish toxins at low levels. Maryland is working to establish and adopt consistent monitoring methods for detecting these toxins that can be completed quickly. Researchers have also been working on developing an accurate kit to test for these toxins.

Unfinished Business

Standardized Lease Marking (Mr. Flax)

Mr. Flax will provide suggestions to the Council to improve the way shellfish leases are currently marked in the field by the leaseholders at the July meeting.

New Business

May Meeting Speaker Planning

The Council agreed that it would be beneficial to discuss how to implement policies for moving shell and seed from waters with high, medium and low levels of disease to areas with the same or higher disease prevalence in order to avoid moving disease causing organisms into areas with lower disease prevalence. It was noted that this becomes difficult when shellfish are moved across state borders. It was agreed that the Council will discuss this issue at the May meeting and invite Dr. Ryan Carnegie, Virginia Institute of Marine Science (VIMS) to present his concept on the issue.

Council Letterhead -- The Council members agreed to adopt one of the letterhead designs presented by DNR for Council review and approval. The Council agreed that the letterhead should read "Maryland Aquaculture Council".

Public Comments – Kevin Boyle, Shore Thing Shellfish, expressed concern that because the lease and permit applications for Shore thing Shellfish are taking so long to be approved, the company will not be able to receive the loans they need in order to grow shellfish on the lease. Mr. Roscher, DNR, and Mr. McHenry, MARBIDCO, indicated that they would work with Shore Thing Shellfish to address this issue.

A question was raised about whether it is really necessary for Maryland to require members of the public to register with DNR and report about shellfish that they grow in cages attached to their docks. It was pointed out that this requirement is burdensome to people who build and sell oyster floats to the general public for home use since people required to register are less likely to purchase cages and floats.

It was explained that oysters raised near residential areas and adjacent to docks are not considered safe for human consumption unless they are located in approved commercial shellfish lease areas. This is because docks are likely to be close to houses with septic systems. It is not possible for the public to monitor water quality near their houses and docks or to keep track of the septic systems of their neighbors in order to assure that there will be no contamination. By requiring members of the general public who are interested in raising oysters to read the DNR material and to register and report each year, DNR makes it more likely that members of the general public who are growing oysters will understand that oysters grown in residential rather than commercial areas are to be used for restoration only and should not be consumed or sold to others to be consumed.

It was noted that prior to adopting this requirement, Maryland was the only state on the East Coast that did not have a regulation of this type in place. Some states are more restrictive than Maryland. For example, North Carolina residents are required to take a course and apply for a permit in order to raise oysters in floats.

Motion to adjourn – The next regular meeting will be Thursday, **May 9, 2013**, at 6:30 p.m. at the Maryland Department of Natural Resources, C-1 Conference Room.

