

Maryland Aquaculture Coordinating Council

Minutes – November 12, 2015

Members Attending:

Erin Butler, Chair	Chris Sherman	Don Meritt
Reggie Harrell, Vice-chair	Tony O'Donnell	Andrew Griffin
Karl Roscher	Terry Witt	Johnny Shockley
Don Webster	Stacy Kubofcik	
Heather Meritt (for Kathy Brohawn)		
Evan Richards (for Kathy Klausmeier)		

Guests Attending:

JD Blackwell (38 ^o North Oysters)	Steve McHenry (MARBIDCO)
Chris Aiken (Self)	Larry Jennings (CCA)
Kim Coulbourne (DHMH)	Michael Fincham (MDSG)
Steve Schneider (DNR)	James Dumhart, II (DNR)
Maude Morris (DNR)	Tal Petty (HOC)
Katie Busch (DNR)	Adriane Michaelis (Self)
Alyssa Cranska (DNR)	Kelton Clark (MSU)
George O'Donnell (DNR)	Rebekah Borgert (MSU)
Ward Slacum (ORP)	Amber Demarr (MSU)
Hal McBee (Self)	Robert T. Brown, Sr. (MWA)
Brian Russell (Shore Thing Shellfish)	John Klein (B A Dorchester)
Sheldon Russell (Shore Thing Shellfish)	Victoria Brown (MWA)
Robin Henderson (DHMH)	Bradley Cheng (Self)

Call to Order:

Chair Butler called the meeting to order at 6:30 pm and welcomed guests.

Administrative:

Approve September Minutes

The September 10, 2015 meeting minutes were approved without revision.

Announcements

- Chair Butler welcomed Council member Andrew Griffin, representing the Maryland Department of Agriculture. He is the Assistant Director of Government Affairs who coordinates state government relations.
- Ms. Kubofcik announced that, as of October 1st, the Department of Business and Economic Development has been changed to the Department of Commerce and will focus on attracting, retaining, and expanding businesses, creating jobs and marketing Maryland's assets. The representative for Aquaculture is Mr. Peter O'Neill and Ms. Kubofcik asked that people contact him for strategic planning and feedback. Mr. O'Neill can be reached by email at peter.o'neill@maryland.gov.

Presentations

Oyster Best Management Practices (BMP) Expert Panel (Ward Slacum, ORP)

Mr. Ward Slacum, Oyster Recovery Partnership, an Oyster BMP Expert Panel coordinator, presented on behalf of Ms. Julie Reichert and Panel Chair Dr. Jeff Cornwell. Mr. Slacum summarized how BMPs are used to meet TMDL goals, how a practice becomes a BMP for implementation in a Bay TMDL and described the review process. Requests have been received by the Chesapeake Bay Program to consider oyster practices as a BMP. Accordingly, this panel was established to: 1) identify and define oyster practices for BMP consideration; 2) develop a pollutant removal crediting decision framework for oyster BMPs, and; 3) propose nitrogen and phosphorus removal effectiveness estimates for oyster practices determined to have sufficient science. The panel held their first meeting in September and Mr. Slacum can be contacted for additional information.

Council and guest comments included: the panel's decision making framework; potential to evaluate effects accruing from the holistic oyster reef community; social and secondary benefits, and; opportunities for commercial oyster fishery. Also discussed were the importance of sufficient science, verifiability, and being able to quantify removal rates in developing and establishing BMPs.

Council Interaction with the Oyster BMP Expert Panel (Delegate O'Donnell)

Delegate O'Donnell gave a presentation he provided to the Nova Scotia Sea Farmers Conference and at the Oyster BMP Expert Panel organizational meeting. He summarized the recent history of aquaculture in Maryland and highlighted legislation across four administrations with bi-partisan collaboration to show support for the work of the Council in shellfish aquaculture development. He outlined challenges including efforts to streamline federal permitting, address user conflicts, identify shell resources and develop nutrient credit trading. Delegate O'Donnell noted that the Council should interact with the BMP Expert Panel to evaluate recommendations to be included into the statutory framework of the Council and discussed formal future interaction between the Council, the Oyster Recovery Partnership (ORP) and Maryland Farm Bureau. He recommended that the Council consider adding a representative each from the ORP and Farm Bureau to its membership.

A Motion (Webster/Harrell), to support legislation by Delegate O'Donnell and Senator Klausmeier to amend current Coordinating Council membership by adding one representative each from the Maryland Farm Bureau and Oyster Recovery Partnership was approved.

Dr. Harrell, in supporting the involvement of the Maryland Farm Bureau, informed the members that he, Senator Klausmeier, Delegate O'Donnell, Chair Butler, Mr. Roscher, Mr. Griffin and Secretary Bartenfelder recently met with them and agreed to provide a presentation at their annual meeting in Ocean City in early December.

Mr. Webster requested clarification regarding the potential addition of a representative to the Council from the DNR Office of Attorney General (AG). Members agreed to request that a representative from that office be invited to attend future Council meetings rather than adding them to the membership through legislation.

Reports:

Aquaculture Division Report (Mr. Roscher)

The Aquaculture Division received seven new shellfish lease applications since the last ACC meeting, all of which are complete. A total of 49 new lease applications have been received so far in 2015 with 21 for water column leases. Six new submerged land lease agreements have been issued.

Hydrographic surveys are pending for nine applications. Once complete, these projects can move to public notice and be forwarded to the US Army Corps of Engineers.

Ten proposed leases are currently on public notice with comment period end dates from mid-November to mid-December. One of these has received protests. Since the last update, public notice periods for eight proposed leases have concluded and three have received protests. Fifteen projects are in various stages of protest at this time while 15 new lease application packets have been forwarded to the Corps of Engineers for review.

Since last meeting, no new Shellfish Import applications have been received and one permit has been issued. Permits for seed requests are held until health certification information has been received and evaluated. Two new Shellfish Nursery Permit applications were received and four were issued. Five lease transfer requests were received, one personalized transfer packet was sent out and ten lease transfers were executed.

From September 2010 through November 12, 2015, 330 lease applications have been received with 252 since August 1, 2011, when the Department began accepting applications for water column leases and leasing in sanctuaries. The State has issued 156 new leases totaling approximately 2,950 acres. An additional 105 lease applications are in process, all of which are complete.

In 2015, 1,854 Shellfish Aquaculture Harvester Permits were issued, comprised of 488 Permittee and 1,366 Registration cards, representing 579 individuals permitted to work in the industry compared to 498 in 2014.

Total annual harvest numbers through October 2015 is 41,960 bushels in comparison to 30,325 bushels in 2014, representing a 38% increase.

Mr. Roscher explained a new requirement for aquaculture harvesters in 2016. To comply with legal and regulatory requirements, the Department requires Shellfish Aquaculture Harvester Permittees and Registrants to have an Aquaculture Declaration through the *Compass* system prior to being issued a 2016 Permit or Registration card. A letter detailing this requirement was sent to leaseholders with copies provided to the Council. The system allows permittees and registrants to register online and securely provide Social Security numbers while assuring that the Department is operating in compliance with the Family Law Article 10-119.3. This provides DNR with the ability to screen applicants for shellfish violations prior to issuing permits. Instructional material was sent to leaseholders on October 9th. Harvesters not able to register online can do so at a DNR Service Center.

Mr. Roscher provided members with a summary of projects under protest. He indicated that 17 are under protest with 1 in the Court of Special Appeals, 1 in Circuit Court, with 2 having been forwarded to the Office of Administrative Hearings. Two are in negotiation between protestant and applicant, 1 has an outstanding land ownership issue, 9 have Public Information Meeting requests prior to moving forward and 1 was just received.

Mr. Webster requested that Mr. Roscher notify the council when Public Information Meetings are scheduled for protested projects so that members may keep informed or attend them.

Shellfish Aquaculture Financing Program Status (Steve McHenry, MARBIDCO)

MARBIDCO has worked with the DNR for five years on two different loan programs - regular and remote setting. Sixty current projects (57 Regular and 3 Remote Setting) are in ten counties with 52 loans fully drawn. Mr. McHenry indicated that the first loans are finally amortizing and the principal is being returned. He noted that, of

50 borrowers, only two are having challenges paying back loans. Demand for the program has declined so they included an ad in the Watermen's Gazette to notify potential borrowers.

Interstate Shellfish Sanitation Conference (ISSC) 2015 Biennial Meeting (Chair Butler)

Chair Butler provided a summary from the ISSC meeting she attended in October in Salt Lake City, Utah. It is held every other year, alternating between producing and non producing states. She explained that changes to the NSSP Model Ordinance are approved at the conference by members of industry, government and academia. There are 6 regions with Maryland in Region Three, and our representative for two years is Kathy Brohawn (MDE).

Chair Butler went over changes to the Aquaculture chapter of the Model Ordinance including addition of language specifying that aquaculture facilities must be inspected once a year instead of twice, modification of nursery facility language, and movement of one section to be rewritten by Task Force 2 next year. Re-submergence of shellfish in summer months was addressed and a committee was charged to address this. Chair Butler stated that there was a large industry presence and instructed those with questions to contact Mr. A.J. Erskine (VA), our industry representative, or Ms. Brohawn, our government representative.

Ms. Katie Busch (DNR), who attended the conference, reiterated that industry participation is necessary and members from other states were there in large number. She noted two other proposals that passed. First, required harvester education has been changed from being required to be conducted by the authority every two years to every five. Second was a requirement that human waste containers on vessels be marked. She noted that Maryland was one of the few states to have a uniformed officer in attendance.

Continuing Business:

Council Membership Additions - this was addressed after Delegate O'Donnell's presentation (*see Motion after Council Interaction with BMP Expert Panel*)

New Business

Council Appointed Member Nominations (Mr. Roscher)

Mr. Roscher announced an opening for a TFL member on the Council with other seats up for reappointment. He indicated that nominations would be accepted and that a request for applications would be posted on the Fisheries website. Mr. Roscher announced that the Department would work with the Council to review applications prior to sending nominations to the Governor's Appointments Office for consideration.

Chair Butler asked for nominations. Dr. Meritt nominated Mr. Bobby Leonard of Talbot County, who is an active leaseholder and seafood buyer.

Wet Storage (Delegate O'Donnell)

Delegate O'Donnell requested information on permitting for wet storage and requested that MDE provide facts regarding agency authority, number of permits issued and number pending. The Council discussed the issuance of permits and the process it follows. They were informed that permit issuance was recently transferred from DHMH to MDE. The current process is: 1) DNR verifies that the applicant has authorization to place equipment in the proposed area; 2) MDE determines water quality to assure that wet storage can be approved, and: 3) DHMH verifies that the individual applying to wet store oysters is a certified dealer and has submitted an accepted operation plan. A representative from MDE will contact the Delegate to provide the requested information.

Public Comments:

Dr. Kelton Clark, Morgan State University, introduced the newest members of his staff, Hatchery Manager Rebekah Borgert and Hatchery Technician Amber DeMarr.

Mr. Robert T. Brown, President of the Maryland Watermen's Association, inquired who the three TFL holders are on the Council and which is the MWA member. Mr. Roscher responded that the TFL representatives on the Council are Mr. Ben Parks, who is a member of the MWA, Mr. Andrew Buck and Mr. Johnny Shockley.

Mr. Tal Petty asked Mr. Brown if the MWA was introducing any legislation that may affect aquaculture development in the upcoming General Assembly session. Mr. Brown replied that there was no legislation under consideration at this time.

Adjourn:

The meeting was adjourned at 8:22 pm. The next regular Council meeting will be held on Thursday, January 14, 2016 at 6:30 pm in the Maryland Department of Natural Resources, C-1 Conference Room.