



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





# MARYLAND DEPARTMENT OF NATURAL RESOURCES

## DNR's New Role in Maryland Aquaculture

### Project Activities – Leasing/Permitting

- 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.



Martin O'Malley, Governor  
Anthony G. Brown, Lt. Governor  
John R. Grallie, Secretary  
Joseph P. Gull, Deputy Secretary

#### JOINT APPLICATION FOR STATE COMMERCIAL SHELLFISH AQUACULTURE LEASE AND CORPS OF ENGINEERS FEDERAL PERMIT

APPLICATION MUST BE ACCOMPANIED BY A NON-REFUNDABLE APPLICATION FEE.

Checks should be made payable to State of Maryland  
Department of Natural Resources according to the following  
fee structure\*:

\$300 Submerged Land Lease  
\$150 Aquaculture Enterprise Zone (AEZ) Lease  
\$0 Water Column Lease (not within AEZ)

Received Date (stamp below) \_\_\_\_\_

Paid Date: \_\_\_\_\_

For office use only

#### PART I – All Applicants

##### Primary Applicant Information (name as it should appear on lease documents)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone (h): \_\_\_\_\_ (c): \_\_\_\_\_

Email: \_\_\_\_\_

Is applicant over the age of 18? Yes ☐ No ☐

Tidal Fishing License holder? Yes ☐ No ☐ #: \_\_\_\_\_

Other aquaculture leases or tidal wetlands licenses held or pending: \_\_\_\_\_

Is Primary Applicant a Corporation?

Yes ☐ No ☐

State of Incorporation: \_\_\_\_\_

Is the corporation organized under  
the laws of the state?

Yes ☐ No ☐

Is more than 50% of the stock in the  
corporation owned by residents of  
the State of Maryland?

Yes ☐ No ☐

SDAT ID#: \_\_\_\_\_  
(If you do not know what this is, see  
<http://www.dnr.state.md.us/>)

You are eligible for a lease in the  
State of Maryland only if you  
answered yes to all of the above.  
Please provide the corporation name  
AND resident agent's name, address,  
telephone phone number(s), and  
email on an additional page.

Towers State Office Building – 580 Taylor Avenue – Annapolis, Maryland 21401  
410-260-8DNR or toll free in Maryland 877-620-8DNR – [www.dnr.maryland.gov](http://www.dnr.maryland.gov) – TTY Users Call via the Maryland Relay

### Project Activities – Field Operations

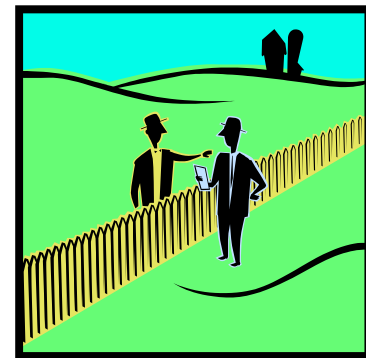
- Conduct bottom surveys, depth profiles and lease site inspections for compliance
- Work with leaseholders to locate shell, seed and equipment
- Address questions, concerns and problems identified by growers
- Provide assistance in lease management
- Coordinate Marylanders Grow Oysters Program



- 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](http://www.dnr.state.md.us/fisheries/oysters/industry/aquaculture)
- Review all applicable statutes and regulations
  - For laws, see: [www.lexisnexis.com/hottopics/mdcode/](http://www.lexisnexis.com/hottopics/mdcode/)
  - For regs, see: [www.dsd.state.md.us/comar/](http://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:

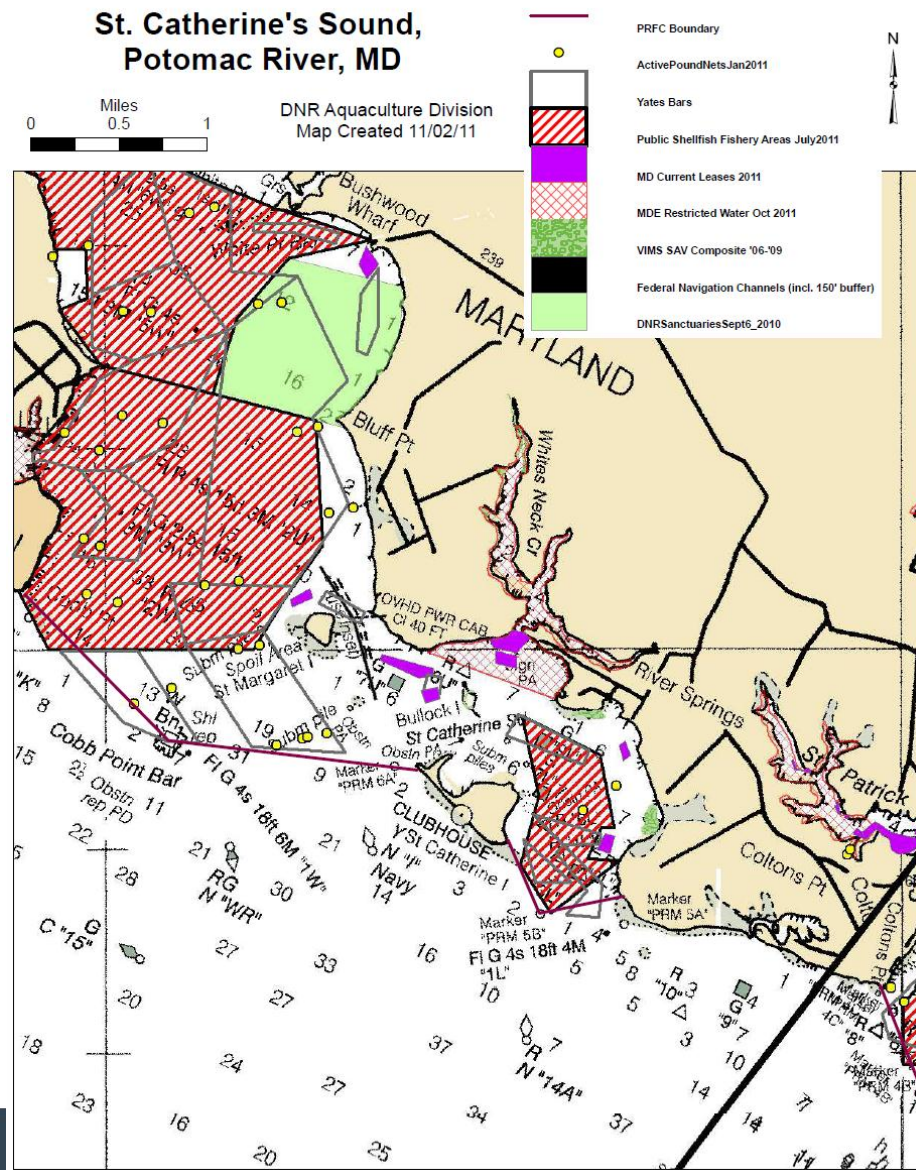
- Public Shellfish Fishery Areas (PSFAs)
- Yates Bars within Sanctuaries
- Harvest Reserve Areas
- Submerged aquatic vegetation (SAV)
- Registered pound net sites
- Restricted/prohibited water classification
- Other existing leases
- Federal navigation channels and buoys
- Commercial fishing conflicts
- AND other resource conflicts not shown here





# MARYLAND DEPARTMENT OF NATURAL RESOURCES

## Application Pre-Planning & Consultation



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



# MARYLAND DEPARTMENT OF NATURAL RESOURCES

## Application Materials



Martin O'Malley, Governor  
Anthony G. Brown, Lt. Governor  
John R. Griffin, Secretary  
Joseph R. Gail, Deputy Secretary

### JOINT APPLICATION FOR STATE COMMERCIAL SHELLFISH AQUACULTURE LEASE AND CORPS OF ENGINEERS FEDERAL PERMIT

APPLICATION MUST BE ACCOMPANIED BY A NON-REFUNDABLE APPLICATION FEE.

Checks should be made payable to State of Maryland  
Department of Natural Resources according to the following  
fee structure\*:

\$300 Submerged Land Lease  
\$150 Aquaculture Enterprise Zone (AEZ) Lease  
\$0 Water Column Lease (not within AEZ)

Received Date (stamp below)

Paid Date: \_\_\_\_\_

For office use only

#### PART I - All Applicants

Primary Applicant Information (name as it should appear on lease documents)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone (h): \_\_\_\_\_ (c): \_\_\_\_\_

Email: \_\_\_\_\_

Is applicant over the age of 18? Yes ☐ No ☐

Tidal Fishing License holder? Yes ☐ No ☐ #: \_\_\_\_\_

Other aquaculture leases or tidal wetlands licenses held or pending:

\_\_\_\_\_  
\_\_\_\_\_

Is Primary Applicant a Corporation?

Yes ☐ No ☐

State of Incorporation: \_\_\_\_\_

Is the corporation organized under  
the laws of the state?

Yes ☐ No ☐

Is more than 50% of the stock in the  
corporation owned by residents of  
the State of Maryland?

Yes ☐ No ☐

SDAT ID#: \_\_\_\_\_  
(If you do not know what this is, see  
<http://www.dat.state.md.us/>)

You are eligible for a lease in the  
State of Maryland only if you  
answered yes to all of the above.  
Please provide the corporation name  
AND resident agent's name, address,  
telephone number(s), and  
email on an additional page.

## 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.

## Application Materials

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





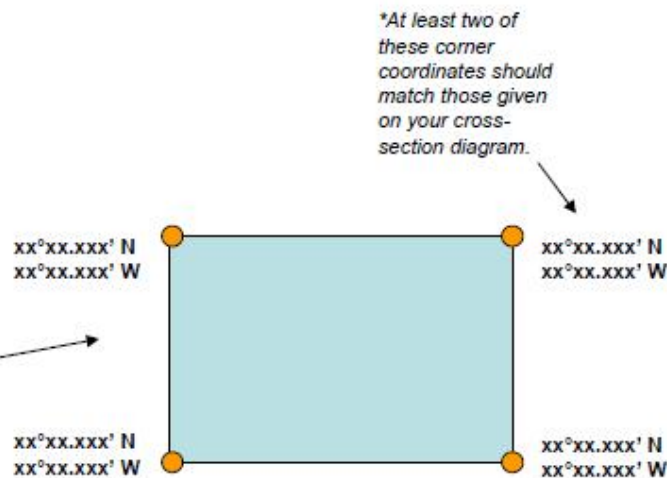
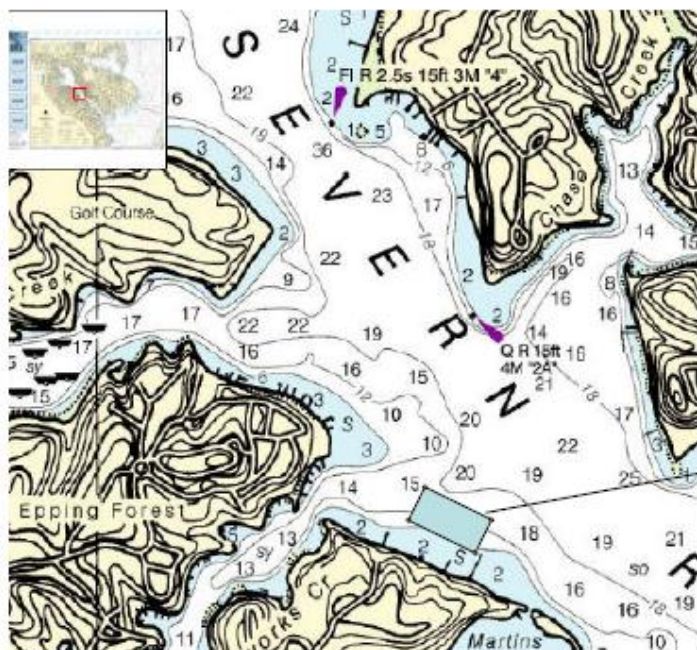
# MARYLAND DEPARTMENT OF NATURAL RESOURCES


## Application Materials – Vicinity Map

*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



 Marker buoy (8x12" with name and lease #)

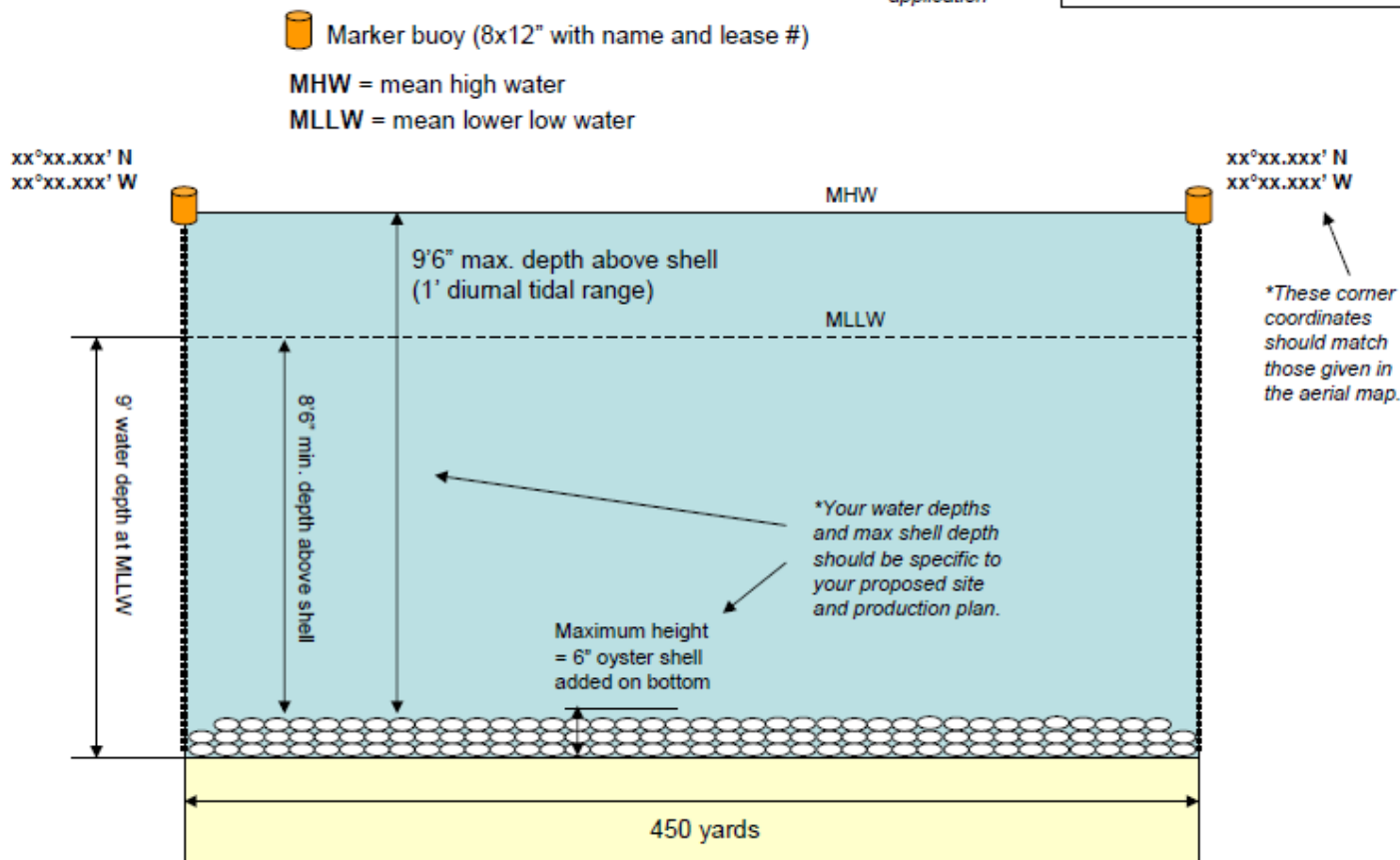
# MARYLAND DEPARTMENT OF NATURAL RESOURCES

## Application Materials – Cross Section

### Cross-Section Example 1: Constant bottom depth

*\*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



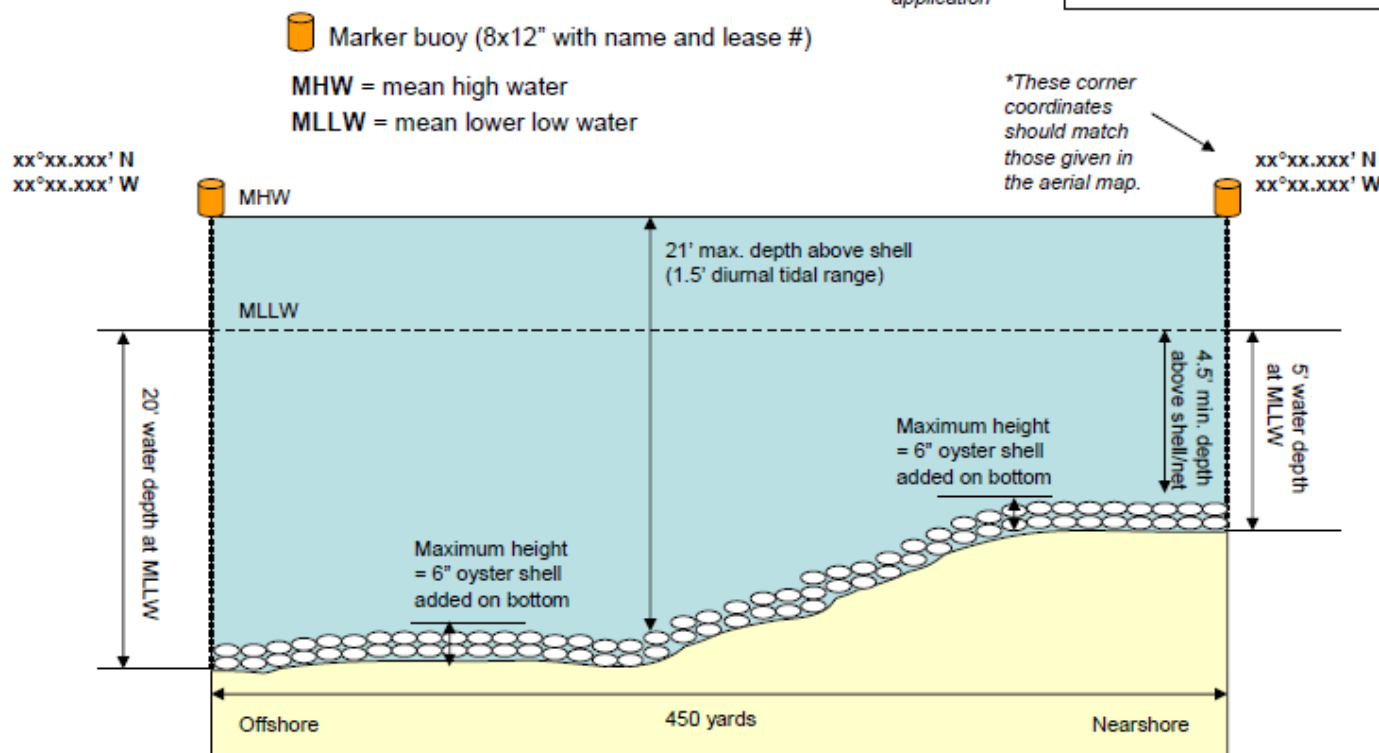
# MARYLAND DEPARTMENT OF NATURAL RESOURCES

## Application Materials – Cross Section

### Cross-Section Example 2: Variable bottom depth

*\*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



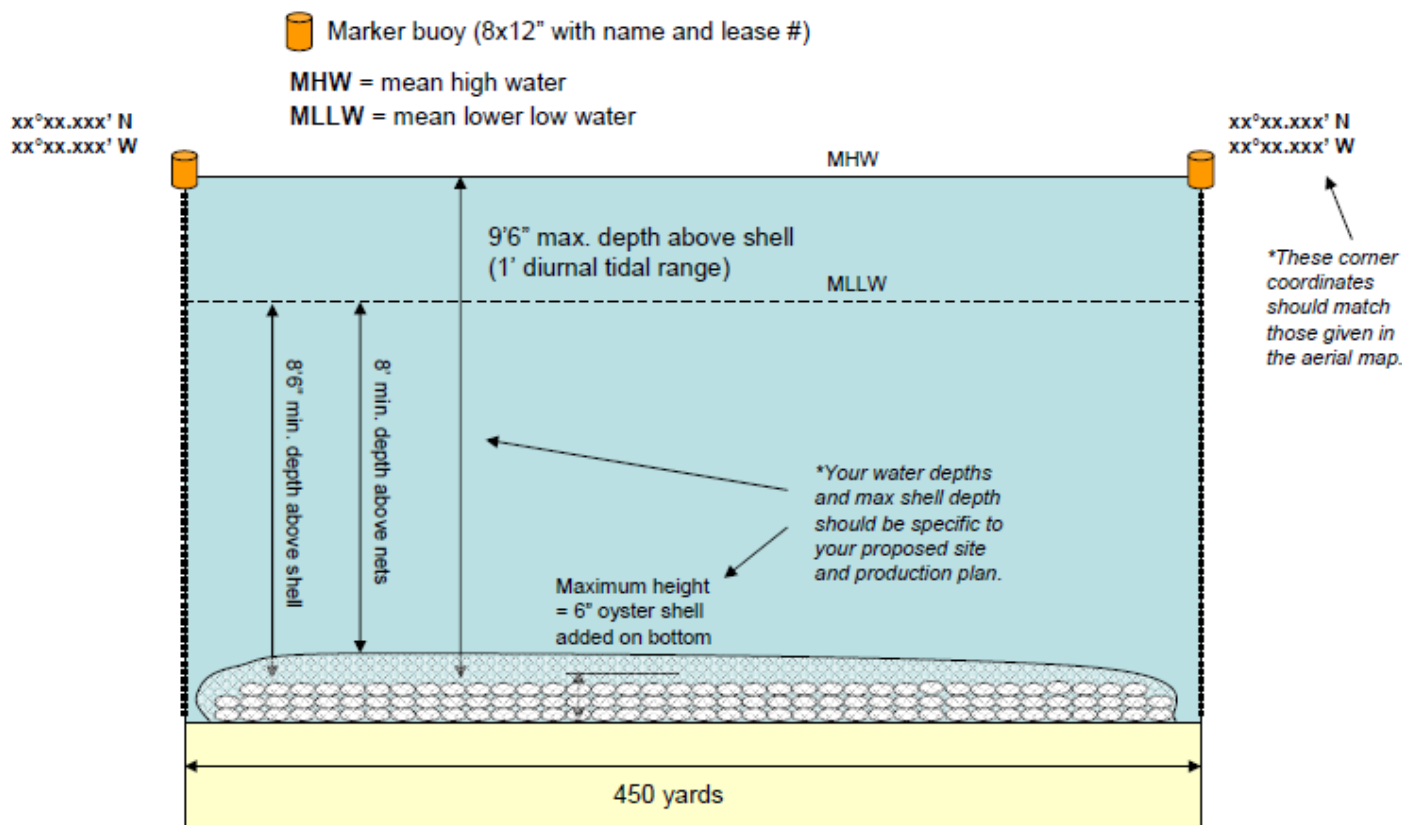
# MARYLAND DEPARTMENT OF NATURAL RESOURCES

## Application Materials – Cross Section

### 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





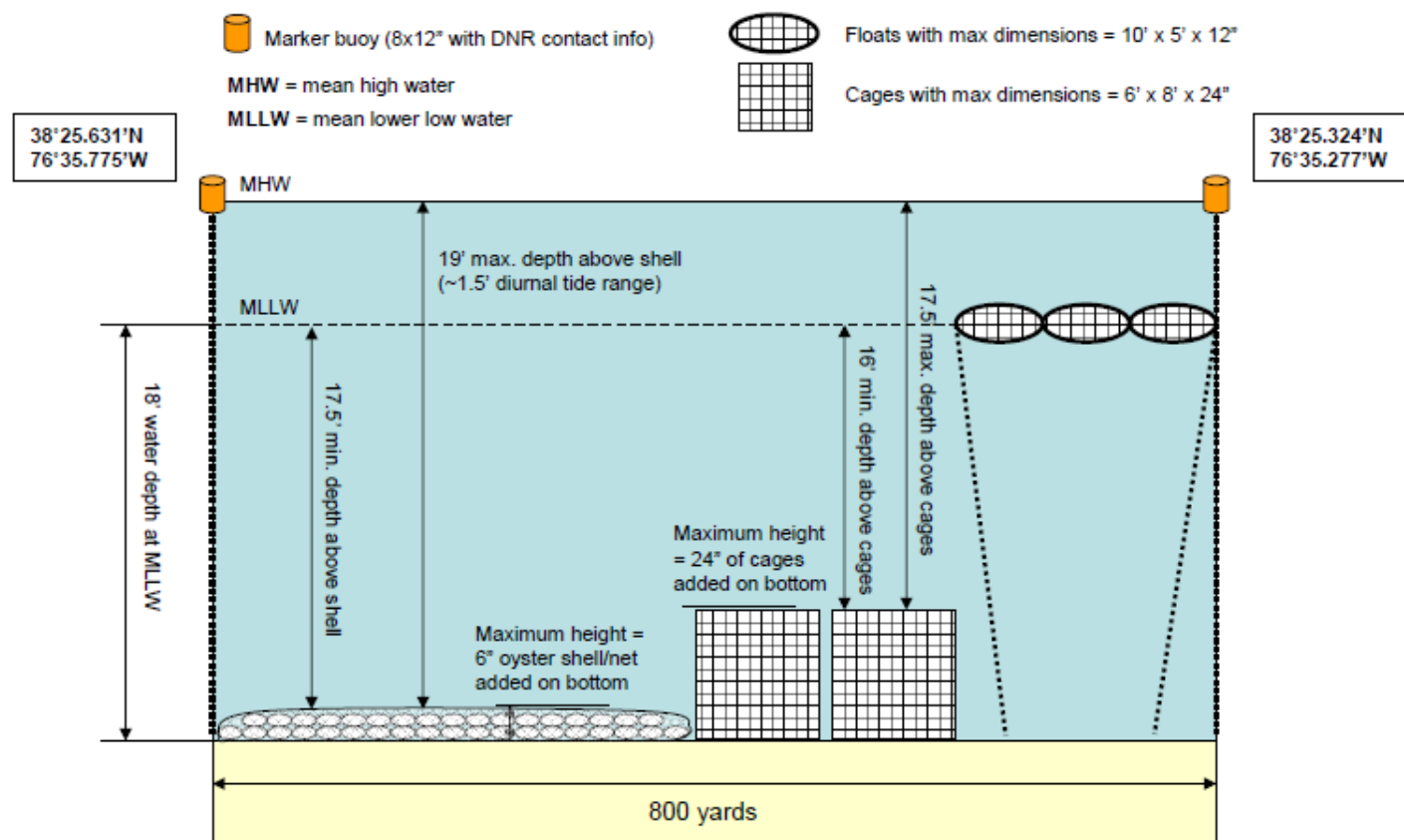
# MARYLAND DEPARTMENT OF NATURAL RESOURCES

## Application Materials – Cross Section

### Cross-Section Example 4: Constant bottom depth with cages, floats, and/or predator exclusion net

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

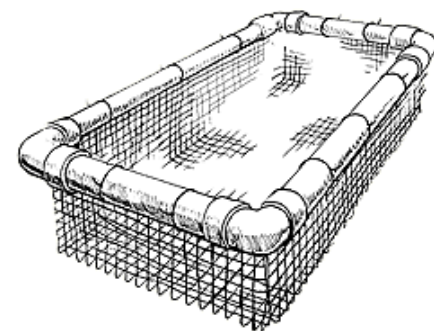
Name/Business: John I. Doe  
Town, State: Your Town, MD  
Waterbody: West River  
Date: October 1, 2010



# MARYLAND DEPARTMENT OF NATURAL RESOURCES

## 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



Cindy Fletcher-Holden

Taylor Float

### 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.)

<http://www.nab.usace.army.mil/Wetlands Permits/aquaculture.htm>

- 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



U.S. Army Corps  
Of Engineers  
Baltimore District

## Regional General Permit-1 Eligibility and Process

[www.nab.usace.army.mil/Wetlands Permits/PublicNotice/SPN/spn11-66.pdf](http://www.nab.usace.army.mil/Wetlands%20Permits/PublicNotice/SPN/spn11-66.pdf)

- 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



U.S. Army Corps  
Of Engineers  
Baltimore District

### 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

# MARYLAND DEPARTMENT OF NATURAL RESOURCES

## Annual Lease Activity Reporting

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 DEPARTMENT OF NATURAL RESOURCES

## Commercial Shellfish Aquaculture



2012  
Industry



Bottom leases:

- 350 leases
- 3800 acres
- shell on bottom



Water Column leases:

- 28 active leases
- 100 acres
- oyster cages & floats



Maryland is  
open for  
business and  
ready to grow!



## 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



# MARYLAND DEPARTMENT OF NATURAL RESOURCES

## Contact Information

### Aquaculture Division Director

**Karl Roscher**

**(410) 260-8313**

**kroscher@dnr.state.md.us**

### Deputy Division Director

**Kathryn Busch**

**(410) 260-8342**

**kbusch@dnr.state.md.us**

### Leasing & Permitting Program

**Rebecca Thur**

**(410) 260-8252**

**rthur@dnr.state.md.us**

### Field Operations Program

**Chris Judy**

**(410) 260-8259**

**cjudy@dnr.state.md.us**

**Steve Schneider**

**(410) 260-8329**

**sschneider@dnr.state.md.us**

## 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

<b>2011 SHELLFISH AQUACULTURE HARVESTER REGISTRATION CARD</b>	
<b>PERMITTEE</b>	
<b>NAME:</b> John A. Smith, Jr.	
<b>ADDRESS:</b> 12345 Chesapeake Way My Town, MD 01234	
<b>PERMIT #:</b> 0001-P1	
<b>Valid only for harvest on lease:</b> __XX001__ __	 <b>EXPIRES</b> 12/31/11
THIS CARD IS 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 10<sup>th</sup> day of the month

## Monthly Harvest Form

Month \_\_\_\_\_ 2012

### MARYLAND MONTHLY SHELLFISH AQUACULTURE HARVEST REPORT

**Species (circle one):**

**Oysters**

**Clams**

Date and Time	Number Harvested	Specify Volume (Count, Bushels, or other)	Gear Type (power dredge, diver, patent Tongs or other please specify)	Lease Site(s) Where Harvest Occurred	To Whom Sold (Registered Buyer License Number)	Port or Creek of Landing

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

## Penalties

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



# MARYLAND DEPARTMENT OF NATURAL RESOURCES

## 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

