Water Column Aquaculture

Karl Roscher, Aquaculture Coordinator
Maryland Department of Agriculture

Permitting and Licensing Requirements
Maryland Aquaculture

- Industry Overview
- Permitting & Leasing 101
- Aquaculture Review Board
- The Leasing Process
Hard Clam Aquaculture

Gordon’s Shellfish
Worcester County
Oyster Aquaculture
Surface Floats

Choptank Oyster Company
Dorchester County
Oyster Aquaculture
Bottom Cages

Tangier Sound Oyster Company
Somerset County
Maryland’s Off-Bottom Industry

- 12 active Water Column Leases
- Occupying 30 acres
- Utilizing surface floats and bottom cages
- Nursery and grow-out production
- Value of approximately $2 million
Industry Growth

- 8 new applications under review
- 75 acres requested
- 72 acres requested for cage culture
Areas where shellfish are raised commercially are resources owned by the State.

Use of these resources is a public trust and State policy is that under certain conditions and in certain areas, shellfish aquaculture is an approved use of these resources.

This requires the temporary assignment of a portion of the public resource for private use.
In Maryland, this temporary assignment of the public resource is managed by the Board of Public Works through the Tidal Wetlands License/WC Lease process.

Prior to issuing a lease, the State must evaluate to what extent the project will impact existing resources, public rights and traditional uses of these waters.
State/Federal Agency Review

- Department of Natural Resources
- Department of Environment
- US Army Corps of Engineers
- Board of Public Works

Review coordinated with Maryland Historical Trust, USEPA, NMFS and US fish and Wildlife Service
Impacts Reviewed

- Disruption/loss of habitat for aquatic life
- Submerged Aquatic Vegetation
- Interference with navigation
- Conflicts with commercial fishing
- Recreational use of waterways
- Aesthetics
Permits/Licenses/Leases

Department of Natural Resources

Aquaculture Permit - $0 / 5 yrs.
Shellfish Import Permit - $0 / needed to move shellfish into State / annual

Department of Environment/US Army Corps

Tidal Wetlands License - $0 / 10 yrs – Issued by BPW
Joint process including USACOE Section 404 permit and Section 401 WQC

Maryland Board Of Public Works

Water Column Lease - $250 application fee / $500 if hearing is requested
$80 per acre annual lease fee
10 years
Aquaculture Review Board

- Interagency Board that works with applicants to evaluate and process aquaculture applications.
  - Chaired by MDA-Aquaculture Coordinator
  - Environment, Health and Mental Hygiene, Natural Resources and the Board of Public Works

- Single Point of Contact for Applicants
  - Pre-application meetings
  - Streamlines the application process
  - Clearinghouse for accurate information
  - Coordinated and timely review process
Homework

- Contact the Professionals
  - Coordinator-UM Extension-Industry

- Gather information
  - ECSGA-Internet-Books-RAC

- Evaluate your personal goals
  - Commercial-Income-Time Investment
Homework continued

- Plan your business
  - Products-Gear
- Develop site criteria
  - Size-Location-Access-Protection
- Select potential sites
  - Water Quality-Limited Use
- Attend ARB pre-app meeting
Application Process

- **ARB evaluates site for water quality and resource conflicts**
  - SAV-Commercial Fishing-Leases-PSFAs-Closure Areas

- **ARB sends application package to project leader.**

- **ARB works with applicant to help complete application package**

- **Applicant forwards TWL and Aquaculture Permit to ARB for review.**
Application Process continued

✓ Applications checked for completeness and evaluated by ARB to determine if project designed in compliance with State Regs.

✓ Recommendations on advisable changes or additions to application forwarded to applicant.

✓ Completed application forwarded to DNR-MDE-ACOE for review.
Review Process

Patience is a virtue

- TWL application submitted to MDE/ACOE
- Project placed on public notice for 30 days (public hearing)
- Review commences with State/Federal resource agencies
- Public Hearing held if requested by third party
- Resource evaluation completed
Review Process

nearing the end

- Report and recommendation issued to BPW (following WQ)
- R&R sent to interested parties if hearing was held (15 days)
- If appearance before BPW requested-21 day notice required
- Project placed on BPW agenda for a vote
- License issued
- Process can take 10 months to complete
Conclusions

- Water Column Aquaculture is expanding.
- Requires leasing a portion of the public resource.
- Plan your business and evaluate project sites.
- ARB will help with application process.
- State/Federal Officials evaluate impacts.
- Review is a time consuming public process.
- Be patient.
- Maryland supports aquaculture development.
Karl Roscher, Aquaculture Coordinator
Maryland Department of Agriculture
50 Harry S. Truman Parkway
Annapolis MD 21401
Phone: 410-841-5824
Email: RoscheK@mda.state.gov.us