

# DELAWARE AND SHELLFISH AQUACULTURE 1/30/14



# **WHAT IS SHELLFISH AQUACULTURE?**

- **Shellfish farming; in Delaware, this will likely mean oyster and clam farming**
- **The shellfish are contained and held on subaqueous land (leased from the state)**
- **Filter feeders so they do not need to be fed**
- **“Green” aquaculture as it should remove nutrients from the surrounding waters rather than add nutrients**

# **WHY SHELLFISH AQUACULTURE NOW?**

- **Shellfish aquaculture growing rapidly in most Atlantic states**
- **Delaware was the only East Coast state with no shellfish aquaculture**
  - Subaqueous land leasing for shellfish in the Inland Bays was prohibited by state law in the late 1970s
- **Virginia is biggest producer in Mid-Atlantic region, huge increase in VA oyster and clam production over past 20 years (406,000 bushels in 2012-2013)**
- **Maryland changes its aquaculture law in 2011 to make shellfish aquaculture on the Eastern Shore more attractive**
- **Center for the Inland Bays starts a process to change Delaware's law and legalize shellfish aquaculture in 2011**

# **DELAWARE'S AQUACULTURE LAW**

- **Center for the Inland Bays' effort leads to unanimous passage in the legislature of Delaware's Inland Bays shellfish aquaculture law in 2013**
- **The law encourages the leasing of subaqueous state lands in the Inland Bays for the purpose of developing a commercial shellfish aquaculture industry**
- **Delaware's law directs DNREC to develop the shellfish aquaculture regulation, lease subaqueous land for shellfish aquaculture, and administer shellfish aquaculture in the Inland Bays**

# **FISH & WILDLIFE'S ROLE**

- **DNREC has F&W lead on shellfish aquaculture**
- **In the Inland Bays, F&W already manages recreational and commercial fishing, recreational and commercial clamming, recreational crabbing, boating and hunting**
- **F&W will ensure that aquaculture is compatible with all of F&W's other resource management responsibilities**

# REGULATION POINTS IN THE LAW

- (1) To issue and administer leases, licenses, and permits to engage in shellfish aquaculture and to amend or revoke said leases, licenses or permits for due cause;**
- (2) To identify areas where shellfish aquaculture leases may be established that are compatible with commercial and recreational finfishing and shellfishing, boating navigation and safety, public water access and use, and native biota. In no cases shall the sum total of areas identified for shellfish aquaculture leasing in Rehoboth Bay and Indian River Bay exceed 5% of their respective total subaqueous lands in each bay at mean high water and no more than 10% of the total subaqueous lands of Little Assawoman Bay at mean high water.**
- (3) To add acreage for shellfish aquaculture from areas not identified by the Department as long as all state and federal criteria for leasing are met and the percentage of subaqueous bottom available for leasing in each inland bay as detailed in paragraph (a)(2) of this section is not exceeded.**
- (4) To inspect and approve vessels and equipment intended to be used in Inland Bays waterways in support of the shellfish aquaculture industry;**
- (5) To attempt to prevent and control the spread of shellfish-borne diseases among both shellfish aquaculture products as well as wild shellfish and to provide for the sanitary harvesting, handling, transportation, processing, production and sale of shellfish aquaculture products and wild shellfish;**
- (6) To inspect and approve the importation of any live or dead shellfish and/or seed-on-cultch material to be used for shellfish aquaculture purposes conducted in or on waters of Delaware's Inland Bays or having a discharge into waters of Delaware's Inland Bays;**
- (7) To provide for the conservation, preservation and improvement of the wild shellfish resources of the Inland Bays or their tributaries when deemed necessary;**
- (8) To set criteria for the approval or denial of shellfish aquaculture leases in Delaware's Inland Bays;**
- (9) To establish criteria for the approval or denial of any requests to conduct shellfish aquaculture outside of identified shellfish aquaculture lease sites;**
- (10) To establish criteria for what constitutes active use of shellfish aquaculture lease sites and the criteria that define the abandonment of a shellfish aquaculture lease site, and for the release of the abandoned acreage into the inventory of available shellfish aquaculture lease sites;**
- (11) To establish marking requirements for shellfish aquaculture lease sites and any equipment moored on, suspended above, or placed on subaqueous lands leased for shellfish aquaculture purposes;**
- (12) To establish eligibility requirements for lease applicants and reporting requirements for shellfish planted and/or harvested from shellfish aquaculture lease sites;**
- (13) To approve the species of shellfish that may be used for aquaculture purposes in Delaware's Inland Bays;**
- (14) To establish the eligibility of shellfish seed stock proposed for planting on shellfish aquaculture leases, including consideration of the use of disease-free stock and the genetic make-up of the stock;**
- (15) To establish what types of mechanical gear may be used to harvest shellfish from identified shellfish aquaculture lease sites;**
- (16) To establish seasonal restrictions on when leased shellfish aquaculture sites may be actively worked;**
- (17) To approve methodologies to determine wild shellfish densities that will allow for prospective aquaculture lease sites.**