

DNREC Public Hearing on Shellfish Aquaculture Regulations

May 21, 2014 6:00 PM

7 DE Admin. Code §3801

Tonight's Process

- Introductory remarks from the Director
 - Department will enter exhibits
 - Department will provide background on the issue
 - Department will briefly summarize the proposed regulation
 - Break
 - Review maps
 - Questions on presentation
 - Hearing Officer will receive public comment
-
- Hearing record will remain open for a minimum of 15 days following this hearing.
 - You may provide comments tonight or following this hearing while the record is open.
 - All comments treated the same whether stated tonight or submitted in writing.

CIB Tiger Team

- CIB
- Aquaculture interests
- Commercial clamming
- Recreational interests
- UD – Sea Grant
- Sussex Co. Econ. Dev. Ofc.
- Shellfish Advisory Council
- Div. Water
- Div. Watershed Stwshp.
- Div. F&W



10 Public Meetings

(+ 2 info. gathering mtgs.)
May 1, 2012 – Feb 26, 2013



Advisory Council on Shellfisheries

March 28, 2013



Legislation Signed

August 28, 2013



Authority & Guidelines

August 28, 2013 the Governor signs into law HB 160 giving DNREC the authority to adopt regulations to support a shellfish aquaculture **industry** in Delaware's Inland Bays constrained by the following:

- Leases must be, “***...compatible with commercial and recreational finfishing and shellfishing, boating navigation and safety, public water access and use, and native biota.***”
- In a manner, “***...to prevent and control the spread of shellfish-borne diseases among both shellfish aquaculture products as well as wild shellfish...***”
- Must, “***...provide for the conservation, preservation and improvement of the wild shellfish resources of the Inland Bays...***”
- Leases must not, “***...in Rehoboth Bay and Indian River Bay exceed 5% of their respective total sub-aqueous lands...***” or, “***...10% of the total sub-aqueous lands of Little Assawoman Bay...***”
- Leases must be issued in 1 Ac increments and must be generally rectangular
- Leases must initially issued by lottery & subsequently on a first come first served basis
- Fees & renewals are established by the law
- Penalties for violations of Code and Regs established by the law

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**Advisory Council
on Shellfisheries**
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Hire & Research
(contact East Coast states)



DFW meets with

- USACE
- DW -Wetlands
- DFW Enf.
- CZP
- DWA – Shellfish Sanit.



**DFW holds pre-reg
workshops**

- January 30, 2014
- February 26, 2014



DFW meets with

- DFW Enf
- DW - Wetlands
- DWA – Shellfish Sanit.



AG Review

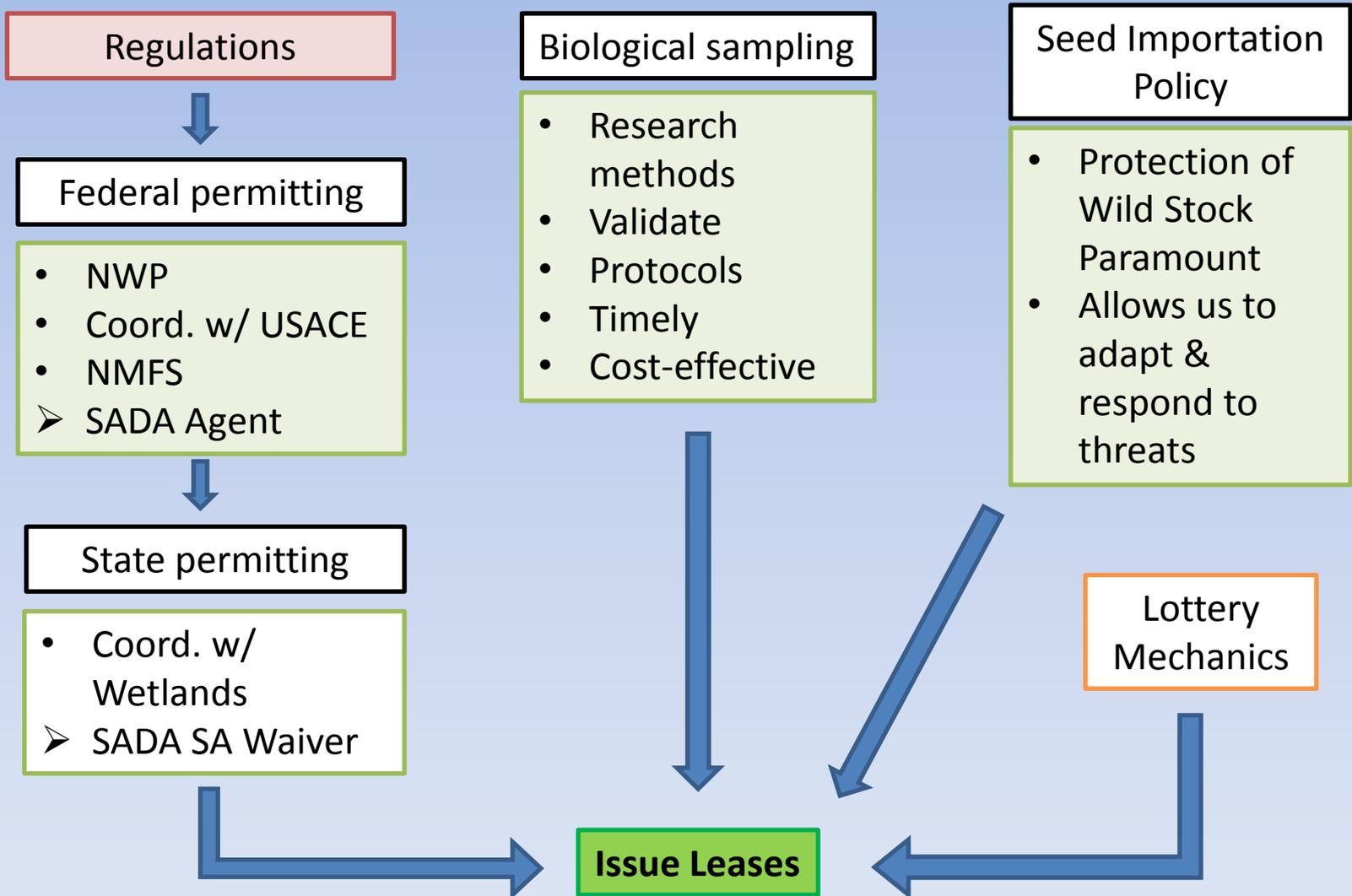


Proposed Regs. Publ.
May 1, 2014



**Public
Hearing**
May 21, 2014

Shellfish Aquaculture Approach



Considerations

- Industry
 - Not speculation
 - Not a hobby
- High population density
- Limited bottom available
- Competing interests
 - Boating
 - Fishing
 - Shellfishing
 - Aesthetics
 - Natural resources
- Public safety
- Property protection
- USACE permitting
- Program costs
 - Aquaculturist
 - Department
 - \$75K
 - \$126K Gov's recommended
 - \$76K - FW
 - \$50K - Watershed
- Time
- New program
 - We have the ability to modify as necessary



Law Authorizes DNREC to Develop Shellfish Aquaculture Regulations

Addressing the Following Points and Considerations:

- (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.