

## COMMERCIAL WATERMEN'S CAUCUS

MEETING – February 26, 2018

The Commercial Watermen's Caucus met on Monday, February 26, 2018 in the House Office Building, room 318. The meeting was called to order by the Chairman, Delegate Jay Jacobs at 6:10pm.

Those Attending:

Senators: Hershey and Eckardt

Delegates: Adams, Cassilly, Rey, Clark, Mautz, Arentz, Sample-Hughes, Otto, Howard

Watermen: approximately – 40

DNR: George O'Donnell, Allison Cordell, Carl Roscher and Chris Judy

NRP: Rory Rafter, Jr and Brian Rathget

MDA: Ron Buckhalt and Matt Tefteau

Staff Congressman Harris: Mike Arntz

Senator Hershey SB926 – Hearing 2/27/18 in EHEA

Natural Resources – Oyster Planting – Substrate Material

This bill authorizes use of only native oyster shell, including fossilized native oyster shell, as substrate for an oyster restoration, propagation, or replenishment project, unless specified conditions (including the preparation of an environmental impact statement) are met with respect to the use of a specified alternate substrate.

Those present were encouraged to testify and or attend the hearing.

Delegate Jacobs thanked all the Watermen, DNR and NRP for attending the meeting to address the issues of aquaculture leases.

Comments and Questions addressed to DNR & NRP

1. People getting leases on Yates Bars – Choptank River sanctuary area – Frustration – DNR not responding when told these were known productive oyster areas
2. Honga River – Frustration was expressed that an aquaculture lease which is still in the appeal process – the person seeking the lease is already setting up equipment in the river to begin his operation. This lease conflicts with the navigation on the river.

There was considerable discussion about the beacon removed by the Coast Guard. Bill Anderson – DNR – shared this findings on the Coast Guard removal and options available to get it replaced. It was noted that the beacon was in 22 ft. of water (not silted in area)

Mr. Goody of Goody Marine (who pays MD at least 1 million dollars in sales tax from boat sales) shared how important the beacon is to his customers in getting their boats in the Honga River to the Bay. This is a public safety issue. Plus they would also be hampered by the lease under appeal.

DNR & NRP stated they could not comment on an open case, which is the Honga lease.

Those present expressed to Congressman Harris' staff in attendance that his help was needed to get this Beacon issue resolved quickly with the Coast Guard.

Carl Roscher explained the steps taken before granting an aquaculture lease.

1. They do go out to lease site visits
2. Consideration is given for other gear types working the area
3. DNR advertise for 2 weeks in local papers, on their website
4. County Waterman Assoc. are contacted of requested lease
5. There is a 30 day comment period

#### Fairness for Infractions and Uses etc.

Commercial Waterman, by mistake goes into a sanctuary – penalty loss of license for life

Aquaculture working outside his leased area – penalty??? Not placing required 4 boundary post – penalty??? Where or what are his penalties?

DNR & NRP – stated they only respond to infractions when brought to their attention by Watermen. They do not patrol for them.

Roscher explained that aquaculture leases are not available in the designated public fishery areas - however aquaculture could petition for a lease in that area.

Leases on Yates Bars are allowed unless there are known oysters at that location. Currently leases are allowed up to 10% on a sanctuary. Yates Bars in a sanctuary cannot be leased.

The question was asked if an economic impact study was required or should be required when an aquaculture lease takes away the ability of other gear types to use the area. (This is not done now)

DNR stated that they thought the leasing process was working, however it was not perfect and could be improved.

It was noted that aquaculture leases were identified on DNR website with GPS coordinates and all were included in the Shellfish Closure Book for those without internet.

#### Yates Bars

Mapped in 1906 (112 years) a lot has changed and needs to be remapped and determine oyster population

HB1426 – Adams – Aquaculture Leases – Location (Hearing March 7) Prohibiting an Aquaculture Enterprise Zone, certain submerged land leases, a water column lease, and a demonstration lease from being located within 1,000 feet of a Yates Bar; and applying the Act. It appears that DNR is not currently following the law in leasing now.

Concern for 10% allowance for leases in sanctuaries - those present were not pleased with a suggestive increase to 25% - If sanctuaries were established to encourage oyster revitalization , how or why are parts being leased (for 20 years) to aquaculture?

3. Queen Anne's and Dorchester County Commissioners have requested they be notified of all aquaculture lease request in their counties. The Legislators present all stated that they also would like to be notified of aquaculture lease applications in their Districts.

#### Law vs. Regulations

Most regulations for commercial watermen have been put into law by legislation whereas aquaculture guidelines are in regulations. This seems to make the conflicts a legislation problem. Watermen present urged that a freeze be placed on all new column leases until some parity can be found with commercial watermen of all gear types.

There was too much fast-tracking in previous years for aquaculture which has brought about the need for evaluation of the program.

All groups need to be brought into the discussion and equation particularly clambers.

The DNR was asked to provide a history of lease request – with the number denied and a tally of results from challenged leases and data on disciplined lease holders.

Delegate Mautz agreed to draft a letter to the appropriate commission/agency to get a review of closed cases of aquaculture discipline. This is to see action as it may differ to action taken dealing with those in public fishery.

Senator Hershey questioned the cost/expense to DNR for the permitting of an aquaculture lease? The lease fee, yearly fees, who pays for PSFA etc.?

The meeting continued to the call for session. Delegate Jacobs again thanked everyone for attending. It will be determined later how to follow up on the discussed issues.

Recorded by,

Joanne Smith