

CHANGING COURSE

Modernizing Maryland's Shellfish Leasing Program

Don Webster

University of Maryland

Cooperative Extension



HISTORICAL PERSPECTIVE

- ▶ 1830 - "One Acre Law" passed
- ▶ 1865 - "Five Acre Law" modification
- ▶ 1906 - "Haman Oyster Law"
- ▶ 1906-1912 – Natural Oyster Bar survey
- ▶ 1950-60s – County restrictions enacted
- ▶ 1972 – Moratorium until resurveyed
- ▶ 1976-present – Various task forces & commissions (M.O.R.E.; Wolman; Oyster Roundtable)

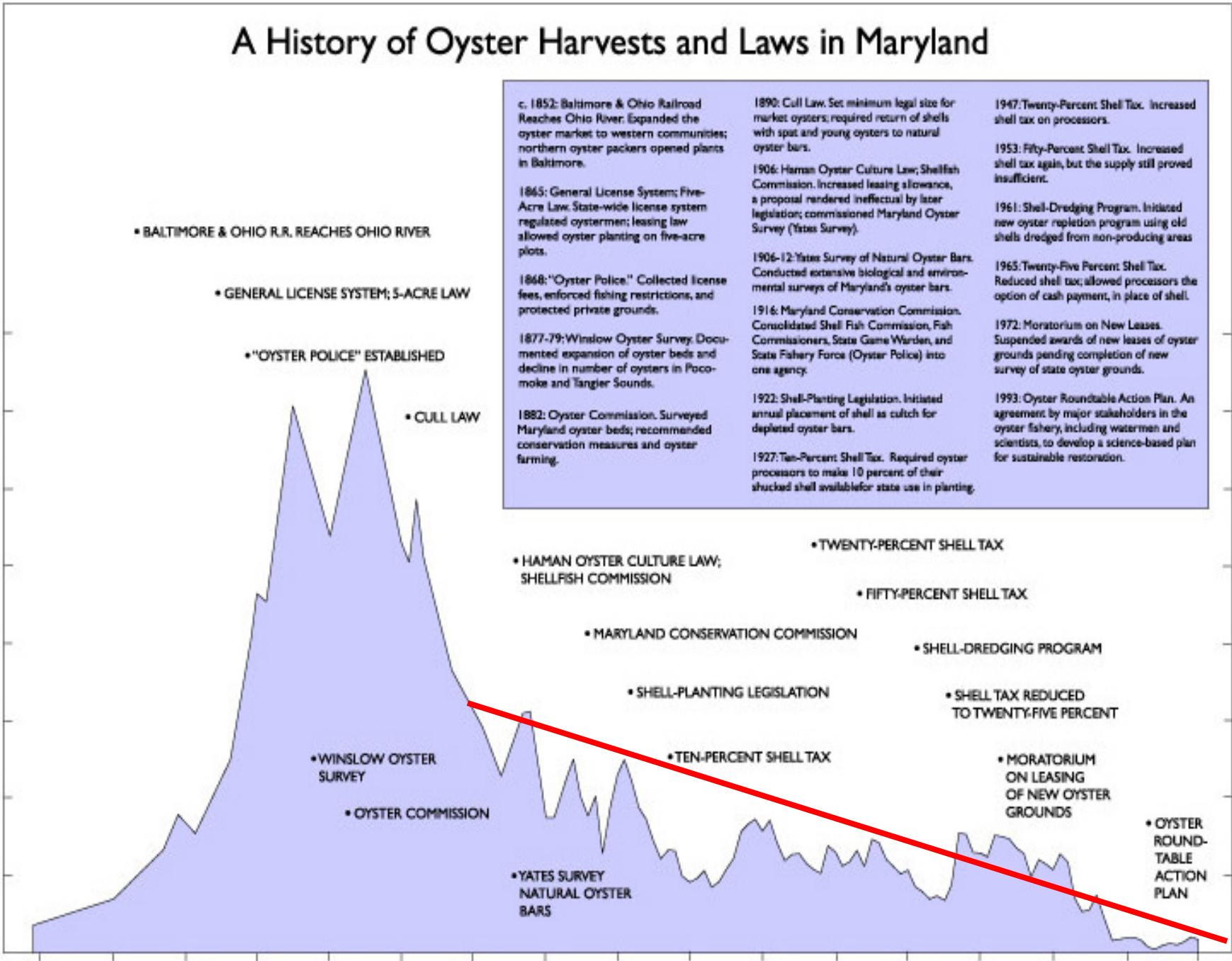
HISTORICAL PROBLEMS

- ▶ Restricted to 'barren bottom' with usually significant costs in building cultch
- ▶ Restricted sale of natural seed
- ▶ Lack of support by management agency
- ▶ Restrictions on leasing in many counties
- ▶ Lack of police protection and penalties
- ▶ Lack of protection from pollution
- ▶ Disease (MSX, Dermo, SSO)

A History of Oyster Harvests and Laws in Maryland

MARYLAND BUSHELS (MILLIONS)

16
14
12
10
8
6
4
2
0



• BALTIMORE & OHIO R.R. REACHES OHIO RIVER

• GENERAL LICENSE SYSTEM; 5-ACRE LAW

• "OYSTER POLICE" ESTABLISHED

c. 1852: Baltimore & Ohio Railroad Reaches Ohio River. Expanded the oyster market to western communities; northern oyster packers opened plants in Baltimore.

1865: General License System; Five-Acre Law. State-wide license system regulated oystermen; leasing law allowed oyster planting on five-acre plots.

1868: "Oyster Police." Collected license fees, enforced fishing restrictions, and protected private grounds.

1877-79: Winslow Oyster Survey. Documented expansion of oyster beds and decline in number of oysters in Pocomoke and Tangier Sounds.

1882: Oyster Commission. Surveyed Maryland oyster beds; recommended conservation measures and oyster farming.

1890: Cull Law. Set minimum legal size for market oysters; required return of shells with spat and young oysters to natural oyster bars.

1906: Haman Oyster Culture Law; Shellfish Commission. Increased leasing allowance, a proposal rendered ineffectual by later legislation; commissioned Maryland Oyster Survey (Yates Survey).

1906-12: Yates Survey of Natural Oyster Bars. Conducted extensive biological and environmental surveys of Maryland's oyster bars.

1916: Maryland Conservation Commission. Consolidated Shell Fish Commission, Fish Commissioners, State Game Warden, and State Fishery Force (Oyster Police) into one agency.

1922: Shell-Planting Legislation. Initiated annual placement of shell as cultch for depleted oyster bars.

1927: Ten-Percent Shell Tax. Required oyster processors to make 10 percent of their shucked shell available for state use in planting.

1947: Twenty-Percent Shell Tax. Increased shell tax on processors.

1953: Fifty-Percent Shell Tax. Increased shell tax again, but the supply still proved insufficient.

1961: Shell-Dredging Program. Initiated new oyster repletion program using old shells dredged from non-producing areas.

1965: Twenty-Five Percent Shell Tax. Reduced shell tax; allowed processors the option of cash payment, in place of shell.

1972: Moratorium on New Leases. Suspended awards of new leases of oyster grounds pending completion of new survey of state oyster grounds.

1993: Oyster Roundtable Action Plan. An agreement by major stakeholders in the oyster fishery, including watermen and scientists, to develop a science-based plan for sustainable restoration.

• CULL LAW

• HAMAN OYSTER CULTURE LAW; SHELLFISH COMMISSION

• MARYLAND CONSERVATION COMMISSION

• SHELL-PLANTING LEGISLATION

• TEN-PERCENT SHELL TAX

• TWENTY-PERCENT SHELL TAX

• FIFTY-PERCENT SHELL TAX

• SHELL-DREDGING PROGRAM

• SHELL TAX REDUCED TO TWENTY-FIVE PERCENT

• MORATORIUM ON LEASING OF NEW OYSTER GROUNDS

• OYSTER ROUND-TABLE ACTION PLAN

• WINSLOW OYSTER SURVEY

• OYSTER COMMISSION

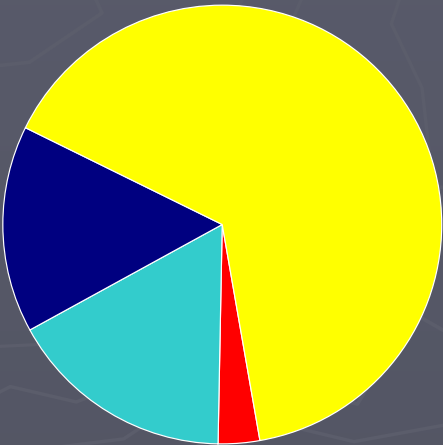
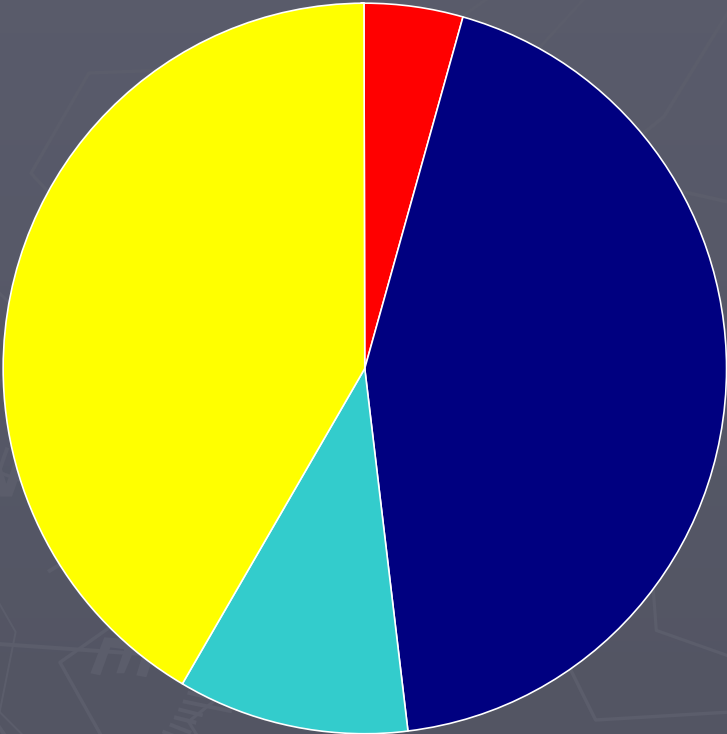
• YATES SURVEY NATURAL OYSTER BARS

1840 1860 1880 1900 1920 1940 1960 1980 2000

THE CHANGING OYSTER FISHERY

1955

1970



2003 MARYLAND TASK FORCE ON SEAFOOD AND AQUACULTURE

- ▶ Authorized by Maryland legislature
- ▶ 40 members in 2 work groups
- ▶ Broad representation from agencies, scientific institutions, industry, politicians
- ▶ 18 month duration; reported out late 2004
- ▶ Analyzed problems; developed solutions
- ▶ Led to passage of bill restructuring aquaculture in 2005 session

AQUACULTURE REVIEW BOARD

Designated membership:

- ▶ Department of Agriculture
 - Chaired by Aquaculture Coordinator
- ▶ Department of Natural Resources
- ▶ Department of the Environment
- ▶ Department of Health & Mental Hygiene
- ▶ Maryland Board of Public Works

Application tracking and conflict resolution

Pre-application meetings with growers

AQUACULTURE COORDINATING COUNCIL

- ▶ Replaced ineffective Aquaculture Advisory Committee with 21 members
- ▶ 17 members in designated categories including 3 industry & 3 TFL (fishermen)
- ▶ Charged with specific tasks and timelines
- ▶ Reports to Secretary of Agriculture, Governor and Chairs of legislative environmental committees
- ▶ Some joint members with Review Board

AQUACULTURE COORDINATING COUNCIL - Mandates

- ▶ Develop Best Management Practices
- ▶ Recommend Aquaculture Enterprise Zones
- ▶ Annual report to “advance aquaculture” to Governor and environmental committees
- ▶ Periodic review of all laws and regulations with recommendations to Review Board
- ▶ Response to governmental requests
- ▶ Manage development grants program*

BEST MANAGEMENT PRACTICES

- ▶ Section I - Water resources
- ▶ Section II - Production systems
- ▶ Section III - Shellfish culture
- ▶ Section IV - Aquatic animal health
- ▶ Section V - Non-native species
- ▶ Section VI - Shipping, transport & sale
- ▶ Various appendices for support

Finalized December '06; revised July '07

AQUACULTURE ENTERPRISE ZONES

- ▶ Several 50 acre sites under development
- ▶ Advantages
 - Ease of permitting
 - Financial assistance
 - Technical training
 - Enhanced enforcement and penalties
- ▶ Recommendations to 2009 MD legislature

GOVERNOR REQUESTS PLAN '08

Governor Martin O'Malley during visit to shellfish growers in August....

"...we need...a much clearer action plan for how we advance aquaculture"

"...stop talking about the things that need to be done and start doing them."

"O'Malley said he expects an action plan within 30-60 days."

"We have the ability to make a lot of progress in a short period of time."

MDA SECRETARY REQUESTS ACC RESPONSE

- ▶ Special facilitated meeting August '08
- ▶ Finalized at September '08 regular meeting
- ▶ 10 recommendations for advancement
- ▶ Responded to MDA Secretary
- ▶ Passed to "Bay Cabinet"
- ▶ Reduced to 9 recommendations & assigned to "lead" departments for development
- ▶ Should become administration bill for '09

ACC RECOMMENDATIONS

- ▶ Delete entire existing section on leasing
- ▶ Authorize Aquaculture Enterprise Zones
- ▶ Assign lead agency for sanitation program
- ▶ Move off-bottom permits more quickly
- ▶ Develop cost-share program for watermen
- ▶ Support technology and extension services
- ▶ Authorize PRFC for similar program

MDNR LEASING LAW PROPOSAL


- ▶ Replace “Natural Oyster Bar” with “Public Oyster Fishery” concept – 3 year look-back
- ▶ Open all other bottom to leasing
- ▶ Delete prohibitions in counties, on corporations, acreage limits
- ▶ Replace with oversight, reporting and production standards
- ▶ Includes AEZs for water column & bottom
- ▶ Significantly increased penalties for theft

DEVELOPMENT

- ▶ MDNR finalizes lease law
- ▶ Submission as “administration” bill
- ▶ MD Legislative session Jan-Apr '09
- ▶ House and Senate Environmental Committee hearings
- ▶ Passage and signing; enacts in July '09
- ▶ Development of regulations for promoting revised leasing program(s); organizing financial programs; developing research and extension training efforts

DEVELOPMENT NEEDS

- ▶ Minimize public sector restrictions
- ▶ Attract private capital for investment
- ▶ Protect private property
- ▶ Maintain processing capacity and expand
- ▶ Attract large-scale operators
- ▶ Encourage traditional harvesters to transition
- ▶ Encourage all production methods in appropriate locations



Contact Information:
Don Webster
University of Maryland
Wye Research & Education Center
Queenstown MD
410-827-8056
dwebster@umd.edu