

Theresa Newman, Hearing Officer
DNREC — Office of the Secretary
89 Kings Highway, Dover, DE 19901

September 15, 2023

Dear Mrs. Newman,

On behalf of the Delaware Advisory Council on Shell Fisheries, we respectfully request that you consider amending the proposed Shellfish Aquaculture Regulations to include three critical modifications to the proposed regulatory changes that will help increase industry expansion and contribute to environmental benefits in the Inland Bays. We ask that you reduce the minimum annual planting requirement and modify the need for floats as well as float color on individual cages based on cage type. Specifically, we ask that you consider amending the following regulations:

1) Oyster Planting Requirements

While we applaud DNREC for including an active use clause in the Inland Bays shellfish aquaculture regulations, we request that the planting requirements be changed from 100,000 oysters per acre per year, to 50,000 oysters per acre per year. Reducing the planting requirement will cut the initial capital expenses of cages in half and help new farmers grow into an operation, while hopefully enticing more farmers to get involved, and continuing to avoid individuals interested in leasing acres without engaging in aquaculture activities. Further, reducing the minimum planting requirements will allow for present farmers to modify growing practices between years and maintain business solvency.

2) Eliminate Marking Floats on Floating and Long-Line Gear

We request that no floats be required on floating cages, as these cages come with black floating containers installed from the factory (see pictures below). Having to add supplemental floats to these cages provides an additional expense, that is unnecessary given the other marking requirements (4" PVC poles at each corner of each acre of the lease, and signs). We further request that no floats be required on Australian longline style growing cages, that are suspended from a cable in the water. Having to add floats, is unnecessary given the other marking requirements noted above, and for this style of gear, the poles needed to support the lines. The addition of these floats increases operational complexity and expense, as these floats get in the way during cage cleaning and harvest.

3) Do Not Specify Float Color on Bottom Cages

Where floats are necessary, as for bottom cages, we request that we be allowed to use floats of any color that meet the specified size requirements. Mandating the use of white floats unnecessarily increases the cost associated with meeting this regulatory requirement, as opposed to the use of other colored floats like yellow or orange floats. Again, with each lease acre having corners marked with a 4" PVC pole and signs, individual boaters should recognize that this area is in commercial use.

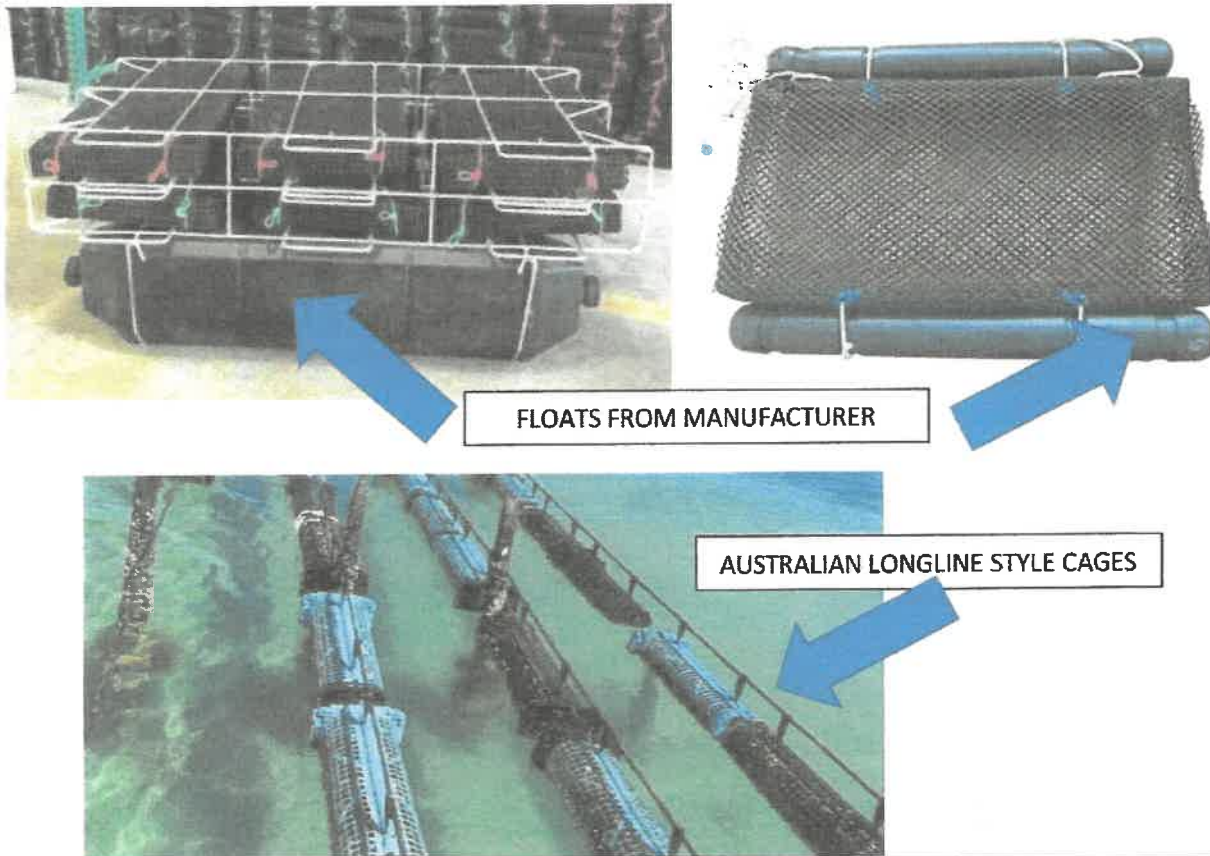


Figure 1. Pictures of floating cages used in oyster aquaculture that come with black plastic floats from the manufacturer, as well as Australian longline style cages that require posts to hold up the cages for desiccation.

Ten years after the inception of the regulatory changes needed to initiate shellfish aquaculture industry, we have developed a better sense of the things that are needed to help the industry flourish. We believe that the changes we have proposed will help alleviate some of the challenges to current shellfish farmers, and attract new growers to the Inland Bays. Unfortunately, only 23 of the 343 pre-permitted acres (as of 2021) available for shellfish aquaculture in the Inland Bays are presently being used. Our desire is to see the expansion of coastal businesses and related environmental improvements associated with an increase in shellfish aquaculture. Your consideration in the adjustment of these regulations has the potential to help improve the economy and the environment in our state.

Respectfully,

Limbo Voss

Mr. Leonard "Limbo" Voss
 Chair, Delaware Advisory Council on Shell Fisheries