



SPONSOR: Sen. Hocker & Rep. Schwartzkopf & Rep. Gray
Sen. Lawson; Reps. Brady, Collins, Kenton, Paradee,
Smyk, Wilson

DELAWARE STATE SENATE
149th GENERAL ASSEMBLY

SENATE BILL NO. 77

AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO AQUACULTURE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 2002, Title 7 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 2002. Duties of Department; powers; making and enforcing regulations.

(a) The Department is authorized to adopt, promulgate, amend and repeal regulations consistent with Titles 7 and 29 which shall be enforced by the Department for the following purposes:

(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~~ shellfish aquaculture leasing in Little Assawoman Bay shall be limited to within the following two areas as defined by their respective corner latitude and longitude coordinates at mean high water:

a. 38° 29' 16.87142"N, 075° 03' 39.95005"W and 38° 29' 16.85469"N, 075° 03' 34.44911"W and 38° 28' 56.70667"N, 075° 03' 34.54853"W and 38° 28' 56.72340"N, 075° 03' 40.04904"W; and

b. 38° 28' 15.51403"N, 075° 03' 32.63198"W and 38° 28' 15.47068"N, 075° 03' 18.50567"W and 38° 28' 04.36517"N, 075° 03' 18.56112"W and 38° 28' 04.40853"N, 075° 03' 32.68683"W;

(4) To inspect and approve vessels and equipment intended to be used in Inland Bays waterways in support of the shellfish aquaculture industry; Off-bottom rearing cages and enclosures are strictly prohibited in Little Assawoman Bay, except for predator mesh placed at grade directly upon hard clams grown on the bottom;

(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; except that shellfish aquaculture lease sites within Little Assawoman Bay shall not be marked by poles, pipes or stakes. The corners of each

23 leased acre within Little Assawoman Bay shall be marked with 9-inch x 16-inch orange bullet-style floating buoys,
24 marked with at least 100 square inches of orange reflective material, a portion of which must be visible from all
25 directions. Each corner buoy must include the corresponding lease number in three inch black block lettering;

26 (13) To approve the species of shellfish that may be used for aquaculture purposes in Delaware's Inland Bays;
27 except that the species of shellfish cultured within the Little Assawoman Bay shall be limited to hard clams grown
28 directly on the bay bottom;

SYNOPSIS

As a result of the passage of the Inland Bays Aquaculture Act, numerous ongoing concerns have been raised during subsequent public meetings and a public hearing. As a result of those meetings, the Secretary's Order No. 2016-W-0049 reduced the number and location of leasable sites, and eliminated oyster aquaculture in the Little Assawoman Bay. This Act seeks to ensure the following: sites eliminated in the Secretary's Order cannot be considered for leasing for aquaculture; the elimination of poles as a form of markings of any and all leased sites within the Little Assawoman Bay; and limiting all aquaculture leased sites in the Little Assawoman Bay to hard clams only.

Author: Senator Hocker