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Hon. Delegate Kumar Barve, Chairman
Environment and Transportation Committee
251 House Office Building
6 Bladen Street
Annapolis, MD 21401

Favorable: HB1434 - Aquaculture Leases – Marking Requirements and Use of Lease – Alterations

Dear Chairman Barve,

This letter serves as my testimony in support of HB1434, which offers relief to shellfish farmers from certain sections of the Maryland Code which are unreasonably punitive in the course of events beyond their control. In this regard, HB1434 focuses on two items of consternation among shellfish farmers:

The current requirement under COMAR that shellfish lease markers/buoys be perpetually and fully represented in the water. In this regard, the requirement does not allow for consideration and/or relief from certain factors beyond the control of the farmer such as: named storms, ice flows, and destruction of the markers at the hands of vandals. I believe it is important that law should direct DNR to provide relief from enforcement actions in the aforementioned scenarios for some reasonable period of time (e.g. 2 weeks), allowing the farmer to make necessary repairs to missing signage without sanctions.

Similarly, currently COMAR stipulates that “active use” of a lease (required as a condition of the lease agreement) requires annual planting of the lease with seed oysters and/or cultch (in areas of natural recruitment). However, the requirement does not allow for consideration and/or relief from certain factors beyond the control of the farmer such as market unavailability of larvae and/or seed. In this regard, the 2019 season witnessed widespread shortages of oyster larvae/seed as a result of persistent rains that lead to record low salinities in the Chesapeake Bay. I believe it is important that DNR waive the planting requirement during periods in which larvae and seed shortages preclude shellfish farmers from complying with current code.

Sincerely,

Jon Farrington