

Brian Russell, President
Southern Maryland Shellfish Growers Association
45725 Stoney Run Drive
Great Mills, MD 20634

March 3,2020

To: Members of the House Environment and Transportation Committee

Re: [HB1434](#) Aquaculture Leases – Marking Requirements and Use of Lease – Alterations

SMSGGA Position: Supports HB 1434

Dear Chairman Barve, Vice chair Stein, and members of the committee

My name is Brian Russell, one of the four owners and operators of Shore Thing Shellfish, a small oyster farm in Tall Timbers, and also the President of the Southern Maryland Growers Association. We are in favor of Delegate Clark's bill [HB1434](#) Aquaculture Leases – Marking Requirements and Use of Lease – Alterations.

This bill has two parts, both of which are important to the Aquaculture industry. The first part pertains to the marking of leases. Leaseholders realize the importance of marking their shellfish leases and try very hard to maintain markers, but this can become a difficult and potentially expensive task. For our small water column lease in St. George Creek we maintain four buoys, one marking each corner of the lease. These are special buoys required by the US Army Corp of Engineers and cost around \$200 each. Even though we use a stainless-steel cable that attaches the buoy to a concrete anchor, we still tend to lose one of them every year due to high wind or ice. Under current law, a Natural Resource Officer can give us a citation for each marker that is missing just after a storm event or heavy ice. We know other shellfish farmers who have been cited in such instances. With the changes in [HB1434](#) a shellfish farmer would have time to get their lease remarked after a major storm or ice event.

The second part of this bill stems from a fear that every oyster farmer has and that became a reality in the 2018-2019 growing seasons. The record rainfall during this time caused a drop in the salinity of the Bay way below the normal range oysters require to thrive. Oyster hatcheries in Maryland and Virginia struggled to produce the larvae and oyster seed that is needed for farmers to meet the planting requirements put forth by the State. It was very late in 2019 before most hatcheries had any product at all, which left most farms with very few oyster seed to plant on their leases. Current regulations require that leaseholders plant a minimum quantity of oysters on their leases every year. If they fail to do so it violates the terms of the agreement with the State and could result in a potential lease termination.

HB1434 would add an exception to this requirement if there is another natural occurrence that prohibits hatcheries from supplying seed and larvae.

Thank you for your attention to this important matter and we ask that you give HB1434 a favorable report.

Sincerely,

Brian Russell