

Department of Legislative Services  
Maryland General Assembly  
2020 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 1434 (Delegate Clark)  
Environment and Transportation

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**Aquaculture Leases – Marking Requirements and Use of Lease – Alterations**

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This bill establishes exceptions to a requirement that a leaseholder mark an area leased for aquaculture in a specified manner and requires the Department of Natural Resources (DNR) to waive the requirements for active use of a lease under specified circumstances.

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**Fiscal Summary**

**State Effect:** None. The bill does not directly affect State finances.

**Local Effect:** None.

**Small Business Effect:** Minimal.

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**Analysis**

**Bill Summary:** The bill establishes exceptions to a requirement under the aquaculture provisions of the Natural Resources Article that a leaseholder mark each lease area with an 8-inch by 12-inch marker displaying the initials of the leaseholder and posted on a minimum of four poles. Under the bill, a leaseholder must comply with the requirement *unless*:

- the leaseholder has not begun use of the lease;
- the lease area does not contain (1) oyster shells; (2) spat on shell; (3) oyster cages; (4) bags; (5) nets; (6) floating structures; (7) pipes; or (8) seed oysters; or
- within the immediately preceding 30 days of the lease area not being marked, one of the following occurred: (1) a named storm event; (2) a northeaster storm event

lasting more than 24 hours; (3) icing conditions; or (4) a criminal act of theft or destruction of property within the lease area.

The bill also *requires* DNR to waive the requirements for active use of a lease on a showing that shellfish larvae or shellfish seed is unavailable.

**Current Law/Background:** Among other requirements applicable to leaseholders under the aquaculture provisions of the Natural Resources Article, a leaseholder must:

- mark each lease area with an 8-inch by 12-inch marker displaying the initials of the leaseholder and posted on a minimum of four poles; and
- actively use the lease and comply with any standards for planting, harvesting, and use of the lease area established by DNR.

DNR is *authorized* to waive the requirements for active use of a lease on a showing that conditions not present at the time of execution of the lease, including the unavailability of shellfish seed, prevent active use of the leased area. DNR indicates that in a given year where shellfish larvae/seed is unavailable to Maryland growers, the department waives the planting requirement.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Department of Natural Resources; Maryland Department of the Environment; Maryland Department of Health; Department of Legislative Services

**Fiscal Note History:** First Reader - March 2, 2020  
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