



# CHESAPEAKE BAY FOUNDATION

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## Senate Bill 166 Shellfish Aquaculture – Penalties – Suspension or Revocation of Permit or Registration Card

**Date:** February 3, 2026

**Position:** Information

**To:** Education, Energy and the Environment Committee

**From:** Allison Colden, Executive Director

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During the 2025 General Assembly session, CBF worked closely with this committee and with Senator Bailey to develop an alternative approach to administrative penalties in the public oyster fishery for a subset of violations listed in natural Resources Art. §4-1210. The resulting statute provides the Department of Natural Resources (DNR) the discretion to impose a 5-year suspension on the first offense while maintaining the revocation requirement upon a subsequent violation. This allows the Department additional flexibility while maintaining a significant deterrent to oyster poaching violations that threaten public health and the sustainability of Maryland’s oyster resource.

Senate Bill 166 seeks to impose the same administrative penalty schedule to permit holders or authorized harvesters in Maryland’s shellfish aquaculture (“oyster farming”) industry. While CBF believes that oyster poaching by any individual, including oyster farmers, is a serious offense that should result in significant penalties, the bill as drafted fails to recognize key differences between shellfish aquaculture and the public oyster fishery. These differences would render the bill difficult to implement and could result in negative unintended consequences for Maryland waterways.

For example, the bill requires suspension or revocation of an aquaculture permit or harvester card for harvesting from an oyster sanctuary; however, aquaculture leases are permitted in sanctuaries, so harvest from a permitted lease could be considered a violation. Additionally, aquaculture harvest is permitted from areas closed due to shellfish sanitation restrictions through a process known as “relay.” This allows aquaculturists to move oysters from a lease located in a closed area to a lease in an open area for a period of 2-3 weeks before sale so they can purge any bacteria that could be harmful to public health.

The bill is also silent on what happens to a permittee’s lease, equipment, and oysters under a suspension or revocation. Unlike the public fishery, where the oysters are a public resource of the state, equipment and oysters in the aquaculture industry are privately owned. Without the ability to properly maintain or remove this equipment and oyster stock, it could become derelict and a hazard for both navigation and the environment.

These are a select few examples of how leasing laws and standard husbandry practices within the aquaculture industry could be interpreted as revocable offenses under the provisions of SB 166, which we do not believe is the bill sponsor’s intent. CBF stands ready to work with this Committee, the bill sponsor, and the responsible actors within the aquaculture industry to develop amendments to this bill that would preserve the intent to provide a serious deterrent to poaching while not having an adverse impact on water quality or unduly impacting standard industry operating practices.

For more information, please contact Matt Stegman, Maryland Staff Attorney, at [mstegman@cbf.org](mailto:mstegman@cbf.org).

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