



CHESAPEAKE BAY FOUNDATION

House Bill 1400 Shellfish Aquaculture – Penalties – Suspension or Revocation of Permit or Registration Card

Date: March 4, 2026
To: Environment and Transportation Committee

Position: Favorable with Amendment
From: Dr. Allison Colden,
Executive Director

The Chesapeake Bay Foundation (CBF) **SUPPORTS House Bill 1400 WITH AMENDMENTS**. As drafted, HB 1400 would require a 5-year aquaculture permit suspension on first violation and an aquaculture permit revocation upon a subsequent violation of a certain oyster harvesting restrictions. CBF supports amendments developed with the Senate sponsor and DNR that maintain the intent of the bill, to provide a significant deterrent against poaching and public health violations, while ensuring routine husbandry activities associated with aquaculture do not result in unintended revocations.

During the 2025 General Assembly session, CBF worked closely with this committee 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.

House Bill 1400 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.

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.

CBF recommends the attached amendments to address the above concerns. For more information, please contact Matt Stegman, Maryland Staff Attorney, at mstegman@cbf.org.

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The Chesapeake Bay Foundation (CBF) is a non-profit environmental education and advocacy organization dedicated to the restoration and protection of the Chesapeake Bay. With over 200,000 members and e-subscribers, including 71,000 in Maryland alone, CBF works to educate the public and to protect the interest of the Chesapeake and its resources.

AMENDMENT NO. 1

On page 1, in line 8, after “revocation;” insert “authorizing a certain leaseholder and the Department of Natural Resources to undertake a certain process within certain time periods to transfer a shellfish aquaculture lease;”.

AMENDMENT NO. 2

On page 2, in line 16, strike “LOCATED” and substitute “FROM A CLOSED OR PROHIBITED AREA”; strike beginning with “WITHIN” in line 17 down through “AREA” in line 17 and substitute “OUTSIDE OF A SHELLFISH AQUACULTURE LEASE”; strike beginning with “TAKING” in line 18 down through “TAKING” in line 20 and substitute “DELIVERING”; strike beginning with “OUTSIDE” in line 20 down through “BY” in line 21 and substitute “TO A DEALER”; in line 21, after “HOUR” insert “AFTER THE TIME REQUIRED BY THE STATE’S VIBRIO PARAHAEMOLYTICUS CONTROL PLAN”; in lines 22 and 24, strike “(IV)” and “(V)”, respectively, and substitute “(III)” and “(IV)”, respectively; in line 23, strike “AND”; in line 25, strike “THE” and substitute “A”; and in line 26, strike “TITLE” and substitute “TITLE; AND”

(V) ILLEGALLY TAKING OYSTERS FOR COMMERCIAL PURPOSES FROM A NATURAL OYSTER BAR OR A PUBLIC SHELLFISH FISHERY AREA AND PLANTING THOSE OYSTERS ON A SHELLFISH AQUACULTURE LEASE.

On page 3, in line 15, strike “LICENSE” and substitute “REGISTRATION OR PERMIT CARD”; and after line 15, insert:

(F) (1) THIS SUBSECTION APPLIES TO A PERSON WHO IS THE SOLE HOLDER OF A SHELLFISH AQUACULTURE LEASE UNDER SUBTITLE 11A OF THIS TITLE AND HAS HAD THEIR PERMIT OR REGISTRATION CARD SUSPENDED OR REVOKED UNDER THIS SECTION.

(i) WITHIN 90 DAYS FOLLOWING THE CONCLUSION OF AN ADMINISTRATIVE PROCEEDING UNDER § 4-11A-10 OF THIS TITLE AND ANY SUBSEQUENT APPEAL, A PERSON MAY PROVIDE TO THE DEPARTMENT A PLAN TO REMOVE ANY GEAR OR OTHER EQUIPMENT FROM THE LEASED AREA OR TRANSFER THE LEASE TO ANOTHER PERSON.

(ii) WITHIN 60 DAYS OF RECEIPT OF THE PLAN UNDER SUBPARAGRAPH (i) OF THIS PARAGRAPH, THE DEPARTMENT SHALL REVIEW THE PLAN AND NOTIFY THE PERSON OF ANY REQUIRED PLAN REVISIONS OR THAT THE PLAN IS COMPLETE.

(iii) WITHIN 30 DAYS OF THE DEPARTMENT’S NOTIFICATION UNDER SUBPARAGRAPH (ii) OF THIS PARAGRAPH, THE PERSON SHALL SUBMIT ANY REQUIRED PLAN REVISIONS AND A LEASE TRANSFER APPLICATION TO THE DEPARTMENT.

(iv) WITHIN 90 DAYS OF RECEIPT OF THE PERSON’S COMPLETED LEASE TRANSFER APPLICATION, THE DEPARTMENT SHALL APPROVE THE LEASE TRANSFER.

(2) THE DEPARTMENT MAY NOT TERMINATE A PERSON’S LEASE BEFORE THE CONCLUSION OF THE PROCESS UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(3) A PERSON’S FAILURE TO COMPLETE THE PROCESS UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY RESULT IN THE FORFEITURE OF ANY GEAR AND EQUIPMENT ON THE LEASED AREA TO THE STATE.