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Position: FAV



Wes Moore, Governor
Aruna Miller, Lt. Governor
Josh Kurtz, Secretary
David Goshorn, Deputy Secretary

April 1, 2026

BILL NUMBER: SENATE BILL 166 - THIRD READER

SHORT TITLE: SHELLFISH AQUACULTURE - PENALTIES - SUSPENSION OR REVOCATION OF PERMIT OR REGISTRATION CARD

DEPARTMENT'S POSITION: SUPPORT

EXPLANATION OF DEPARTMENT'S POSITION

The Department supports Senate Bill 166 as amended. The bill creates a system by which the Department may pursue a five-year suspension of an individual's Shellfish Aquaculture Harvester Permit or Shellfish Aquaculture Harvester Registration Card for a first offense and a revocation of a permit or registration card for a second offense for certain enumerated violations.

As amended, the bill tailors serious violations to the aquaculture industry. The amendments remove the gear violation, since gear violations are not a significant concern when harvesting from an aquaculture lease, modify the time-related violation to be specific to serious public health violations, and add a scenario where an individual who is licensed to harvest wild oysters illegally plants wild oysters on their lease, to ensure equal treatment between those licensed and those not licensed to harvest wild oysters.

The amendments also prevent penalized individuals from all on-water work, whether or not that work required the use of a permit or registration card, thereby ensuring that individuals who committed significant on-water violations are removed from the water. The ultimate effect of the amendment would be that those individuals could remain part of the business end of the operation, which is of significant concern when dealing with leases where only one individual owns and operates the entire business. Without this provision, sole proprietors would likely lose their entire investment in their business. By applying the penalty to aquaculture activities on the lease, it makes the penalty more consistent with Natural Resources Article, §4-1210, Annotated Code of Maryland, where an individual harvester could still participate in other aspects of their business that were not related to oystering under an authorization such as crabbing or finfishing.

Lastly, the bill, as amended, creates a process for sole leaseholders to remove their gear from the lease if the lease is terminated due to the process within the statute. This allows the leaseholders to retain their gear or if they choose not to, the agency can remove the gear in the water and dispose of it.

BACKGROUND INFORMATION

The way that the Department licenses aquaculture operators is not identical to how the Department licenses its commercial harvesters. The amendments listed above create more parity for the penalties that exist

Contact: Lydia McPherson, Director, Legislative and Constituent Services
lydia.mcpherson1@maryland.gov ♦ 410-260-8113 (office) ♦ 443-875-7785 (cell)

between those who have a Shellfish Aquaculture Harvester Permit and Shellfish Aquaculture Harvester Registration Card and those who have a commercial oyster harvester license, while also taking into consideration the legal and operational differences that exist between these two industries.

BILL EXPLANATION

Senate Bill 166 creates additional penalties for shellfish aquaculture violations.

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Position: FAV



CHESAPEAKE BAY FOUNDATION

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

Date: April 1, 2026
To: Environment & Transportation Committee

Position: FAVORABLE
From: Dr. Allison Colden,
Executive Director

The Chesapeake Bay Foundation (CBF) **SUPPORTS Senate Bill 166**, which, as amended, imposes the roughly the same administrative penalty schedule to permit holders or authorized harvesters in Maryland’s shellfish aquaculture (“oyster farming”) industry as the public fishery for significant poaching or public health violations.

CBF believes that oyster poaching by any individual, including oyster farmers, is a serious offense that should result in significant penalties. Amendments from the original bill exempt husbandry practices that are standard in the oyster farming industry, ensuring that the key differences between the two sectors do not result in unintended consequences for oyster farmers.

The amended bill also addresses a key issue related to revocation, that is the disposition of the leased area and any remaining gear at the time of revocation. Oyster farming can include the use of floating cages or cages on bottom that hold containerized oysters. If left unattended and unmaintained, this gear can become a hazard to navigation and the environment. As amended, SB 166 provides a pathway for the revoked leaseholder to appropriately transfer or forfeit any remaining gear and/or oysters.

CBF urges the Committee’s FAVORABLE report on SB 166.

For more information, please contact Matt Stegman, Maryland Staff Attorney, at mstegman@cbf.org.

Maryland Office • Philip Merrill Environmental Center • 6 Herndon Avenue • Annapolis • Maryland • 21403

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.