

## **POSSIBLE CHANGES TO REGULATIONS FOR OYSTERS — OYSTER GARDENING**

The department intends to adopt regulations for an oyster gardening program. Regulations are required by the National Shellfish Sanitation Program (NSSP).

Shellfish gardening guidelines are established in Section II of the National Shellfish Sanitation Program's Guide for the Control of Molluscan Shellfish: 2015 Revision. The National Shellfish Sanitation Program is the federal/state cooperative program recognized by the U. S. Food and Drug Administration (FDA) and the Interstate Shellfish Sanitation Conference (ISSC) for the sanitary control of shellfish produced and sold for human consumption. The purpose of the National Shellfish Sanitation Program is to promote and improve the sanitation of shellfish (oysters, clams, mussels and scallops) moving in interstate commerce through federal/state cooperation and uniformity of State shellfish programs. The guide defines shellfish gardening as non-commercial shellfish culture for the purposes of enhancing water quality, or enhancing natural stocks and not for sale for consumption.

Oyster gardening is the practice of growing oysters at private piers for ecological benefits. The goal is to protect the young oysters during their vulnerable first year of life, so they may be planted on local sanctuaries where the oysters can enrich the ecosystem and the oyster population. Through the efforts of the citizen partners, an oyster sanctuary will be enhanced both with oysters and the abundance of living creatures associated with an oyster reef. New regulations will establish the parameters for oyster gardening (application, permit, who may apply for the permit, where activities may occur, penalties, etc.). A permit may be issued to an individual oyster gardener or a regional coordinator. Individual oyster gardeners not associated with the larger coordinated efforts will be required to apply for their own permit. The permit will outline the waters included in the permit, the activities allowed under the permit and any conditions for growing oysters within the area. If the permit is issued to a regional coordinator, the coordinator will be required to maintain an updated list of the gardeners in their permitted area. Conditions of the permit will include things like depth requirements of the oyster cages/floats; prohibitions for consumption or sale; guidance for planting on a sanctuary; reporting requirements; and reasons for revocation. There will not be a fee for the permit. All activities conducted under the permit will be required to be complete within one year.

This is a long standing program that works well. We need to put the process into regulation to be in compliance with the National Shellfish Sanitation Program.

[Additional Information: National Shellfish Sanitation Program's Guide for the Control of Molluscan Shellfish: 2015 Revision](#)