

## OYSTERS — Public Shellfish Fishery Area (PSFA) Declassification

### What was proposed?

The Department proposed to incorporate by reference “Public Shellfish Fishery Areas of the Chesapeake Bay and Its Tidal Tributaries (October 2025)”. This document designates each public shellfish fishery area (PSFA) located in the Chesapeake Bay and its tidal tributaries and replaces “Public Shellfish Fishery Areas of the Chesapeake Bay and Its Tidal Tributaries (June 2023)”.

The document is being incorporated to:

- 1) Declassify a portion of PSFA 83 to allow for shellfish aquaculture; and
- 2) Make corrections to the buffers of PSFA 152 and PSFA 156.

Leases cannot be located within a PSFA or within 150 feet of a PSFA. However, if a proposed lease area meets certain criteria, the PSFA may be declassified and a lease can be issued in that location. A person may petition the Department to declassify a portion of a PSFA for the purpose of issuance of a commercial shellfish aquaculture lease in conjunction with submission of an application for a lease within a PSFA. The criteria for declassifying a PSFA are not affected by this proposed action and are described in the Code of Maryland Regulations (COMAR) 08.02.04.17.

### What are the specific changes to the PSFAs and why are these changes necessary?

#### PSFA 83

The proposed action declassifies a portion of PSFA 83 by modifying the boundaries to exclude an approximately 8-acre portion located in Crab Alley Bay, Queen Anne’s County. The declassification was requested in shellfish aquaculture lease application #524 (Lewis, Jr. & Lewis). The proposed lease area is 1.6 acres. In accordance with COMAR 08.02.04.17, the Department evaluated commercial oyster harvest data and conducted a biological survey of the proposed lease and surrounding buffer area. The Department determined that the average density of oysters per square meter within the proposed lease area meets the regulatory criteria that provides for declassification, and the lease application satisfies the requirements of COMAR 08.02.23.03.

Since a lease is not allowed to be located within 150 feet of a PSFA, the proposed declassification includes the leased area (1.6 acres) and the required 150-foot buffer (6.4 acres) around the portion of the leased area that falls within the PSFA. The buffer remains open to oyster harvest following declassification. Once the area is declassified, the Department will issue the shellfish aquaculture lease to the applicants. The shellfish aquaculture operation established at this location will result in rehabilitated oyster bottom that can provide both ecological and economic benefits consistent with the Department’s resource management and economic development goals

#### PSFA 152

The proposed action modifies the northwestern boundary of PSFA 152 so that it cleanly abuts rather than overlaps the Upper Patuxent Oyster Sanctuary. The PSFA is located in the Patuxent River, Calvert County. The boundaries of the Upper Patuxent Oyster Sanctuary are described in the “Oyster Sanctuaries of the Chesapeake Bay and Its Tidal Tributaries September 2010” document, which is incorporated by reference into Maryland regulation (Code of Maryland Regulations 08.02.04.15). The same regulation establishes that a person may not harvest wild oysters from a sanctuary described in that document. By definition, a PSFA is a commercially harvestable area, so the two cannot occupy the same location; therefore, the boundary of PSFA 152 was adjusted to eliminate the overlap.

## PSFA 156

The proposed action modifies the boundaries of PSFA 156 so that its 150-foot buffer no longer overlaps with shellfish aquaculture leases SM 524 and SM 790. The PSFA is located in Smith Creek, St. Mary's County. PSFAs were initially established in September of 2011 and the law required a 150-foot buffer between all shellfish aquaculture leases and PSFAs. The overlaps were inadvertently created when the PSFA boundaries were originally established.

Shellfish aquaculture lease SM 524 predates the establishment of the PSFAs. During a recent mapping exercise, the Department realized that there was not a full 150-foot buffer between the PSFA and the lease area. The proposed action ensures that there is a full buffer.

Shellfish aquaculture lease SM 790 was issued in 2019 after the area was declassified. However, it was recently discovered that the buffer area was not designated properly. The proposed action ensures that the PSFA and its 150-foot buffer no longer overlap with the shellfish aquaculture lease.

### **Additional Info**

- Maps – See pages 4-6
- [Natural Resources Article, §4-11A-04, Annotated Code of Maryland](#)
- [Code of Maryland Regulations 08.02.04.15](#)
- [Code of Maryland Regulations 08.02.04.17](#)
- [Code of Maryland Regulations 08.02.23.03](#)
- [Public Shellfish Fishery Areas of the Chesapeake Bay and Its Tidal Tributaries – June 2023](#)
- [Oyster Sanctuaries of the Chesapeake Bay and Its Tidal Tributaries September 2010](#)

### **Who will this affect?**

Shellfish aquaculturists and individuals who harvest oysters commercially or recreationally in the area that will be leased.

### **What is the specific regulatory action?**

Amend Regulation .17 under COMAR 08.02.04 Oysters.

### **Current Regulations**

Public Shellfish Fishing Areas [COMAR 08.02.04.17](#)

### **Has this change been discussed with advisory bodies or other interested or impacted individuals?**

- This idea was discussed at the July 2025 meetings of the Aquaculture Coordinating Council, Sport Fisheries Advisory Commission, and Tidal Fisheries Advisory Commission.
- An email with information was sent to OAC since their August meeting was canceled.
- The idea was scoped with the general public in August 2025.

### **Regulatory Process**

Fishing rules in Maryland may be created by either the General Assembly or the Department. When the Department creates a fishing rule, it is called a regulation. When the General Assembly creates a rule, it is called a statute. The Department often has to create a regulation to implement a statute. The regulatory process begins with scoping and the Department follows normal [procedures](#) as concepts move forward. During the scoping process, the Department gathers suggestions and ideas from stakeholders and others about how to solve a fishery problem or address a need. The goal of

scoping is to identify issues, potential impacts, and reasonable alternatives associated with the issues so that management actions can be developed. After the public has had an opportunity to comment on possible management actions during the scoping process, the Department considers these comments and develops an appropriate management strategy. The ideas for this proposal were scoped from July 31, 2025, through August 17, 2026.

At the conclusion of the scoping process, the Department determined that the action is necessary and appropriate. The rules were promulgated following the Administrative Procedures Act described in Title 10, Subtitle 1 of the State Government Article Annotated Code of Maryland.

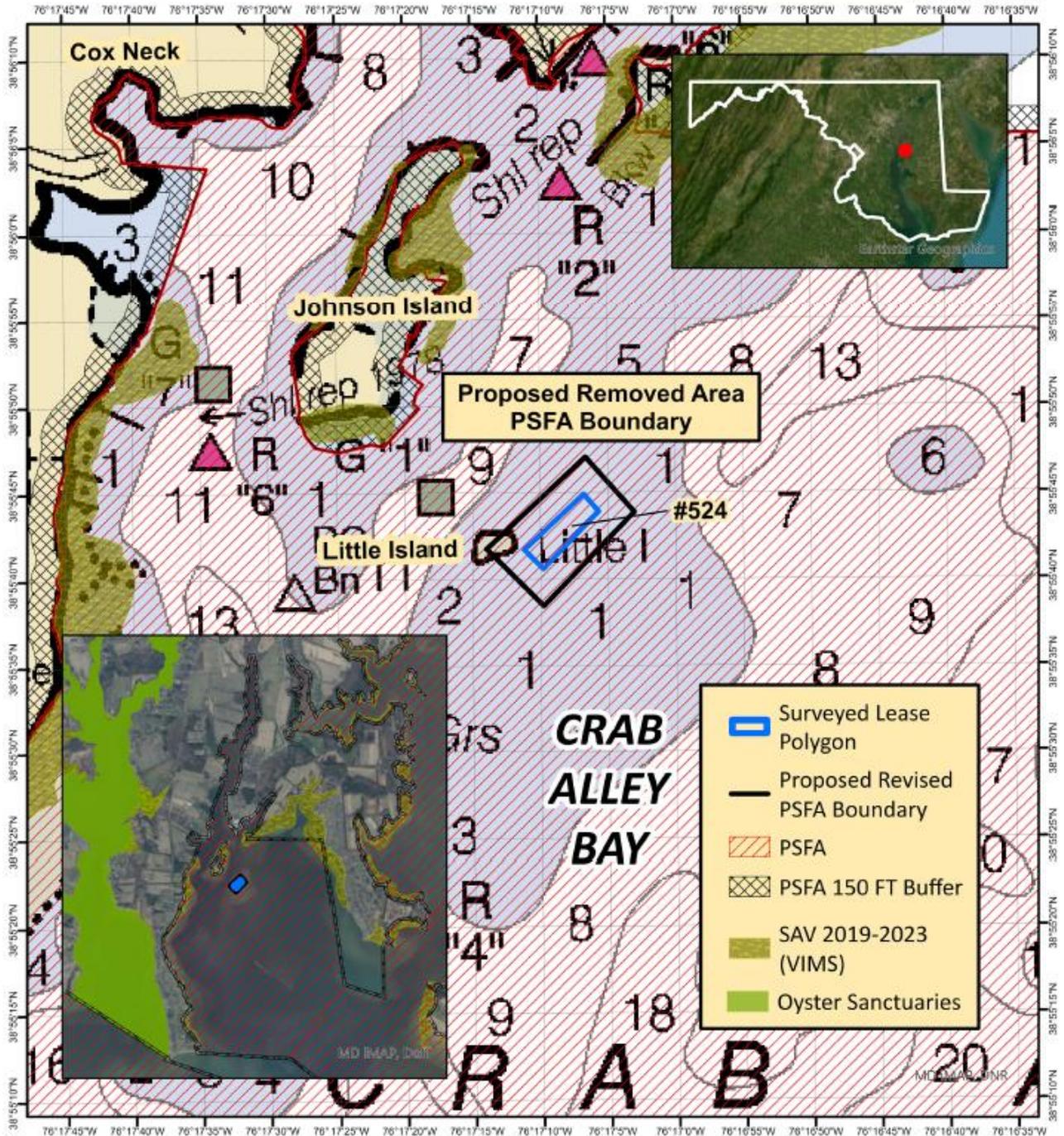
- The General Assembly's Administrative, Executive, and Legislative Review Committee reviews the regulatory proposal for fiscal and legal analysis.
- The proposal was printed by the Division of State Documents in the Maryland Register on December 26, 2025.
- A 30 day public comment period began on the day of publication. The comment period closed January 26, 2026.
- After reviewing the comments, the Department adopted the changes.
- The final action adopting the changes was published in the Maryland Register on February 20, 2026.

**Effective Date**  
March 2, 2026.

**Map of Area for PSFA 83**

Proposed Partial Declassification of Public Shellfish Fishery Area (PSFA) 83 for Shellfish Lease Application #524 - Bradford R. Lewis, Jr. & Thomas A. Lewis  
Crab Alley Bay, Queen Anne's County, MD

Projection:  
Lambert Conformal Conic  
North American Datum 1983



Wes Moore  
Governor  
Aruna Miller  
Lt. Governor

Josh Kurtz  
Secretary  
David Goshorn  
Deputy Secretary

Aquaculture & Industry Enhancement Division  
Maryland Department of Natural Resources  
DNR.MARYLAND.GOV  
June 2025



*Map of Area for PSFA 152*

Proposed Correction to Public Shellfish Fishery Area (PSFA) 152  
Boundary Realignment  
Patuxent River, Calvert County, MD

