

SHELLFISH AQUACULTURE — Public Shellfish Fishery Area (PSFA) Declassification

What is being considered?

The Department would like to declassify a portion of one Public Shellfish Fishery Area (PSFA 83) and make corrections to two public shellfish fishery areas (PSFA 152 and 156).

A lease is not allowed to be located within 150 feet of a public shellfish fishery area so the proposed declassification of PSFA 83 includes the leased area and a required 150-foot buffer around the portion of the leased area that falls within the PSFA. A PSFA buffer remains open to oyster harvest following declassification. The PSFA corrections would eliminate overlap of the buffer of PSFA 152 with an oyster sanctuary and of PSFA 156 with a pre-existing shellfish aquaculture lease.

Why are these changes necessary?

Public Shellfish Fishery Areas of the Chesapeake Bay and Its Tidal Tributaries (June 2023) designates public shellfish fishery areas in the Chesapeake Bay and its tidal tributaries. A person may petition the Department to declassify a portion of a Public Shellfish Fishery Area (PSFA) by submitting a lease application. The corrections to PSFA 152 and 156 are necessary because the overlaps were inadvertently created when those PSFA boundaries were originally established.

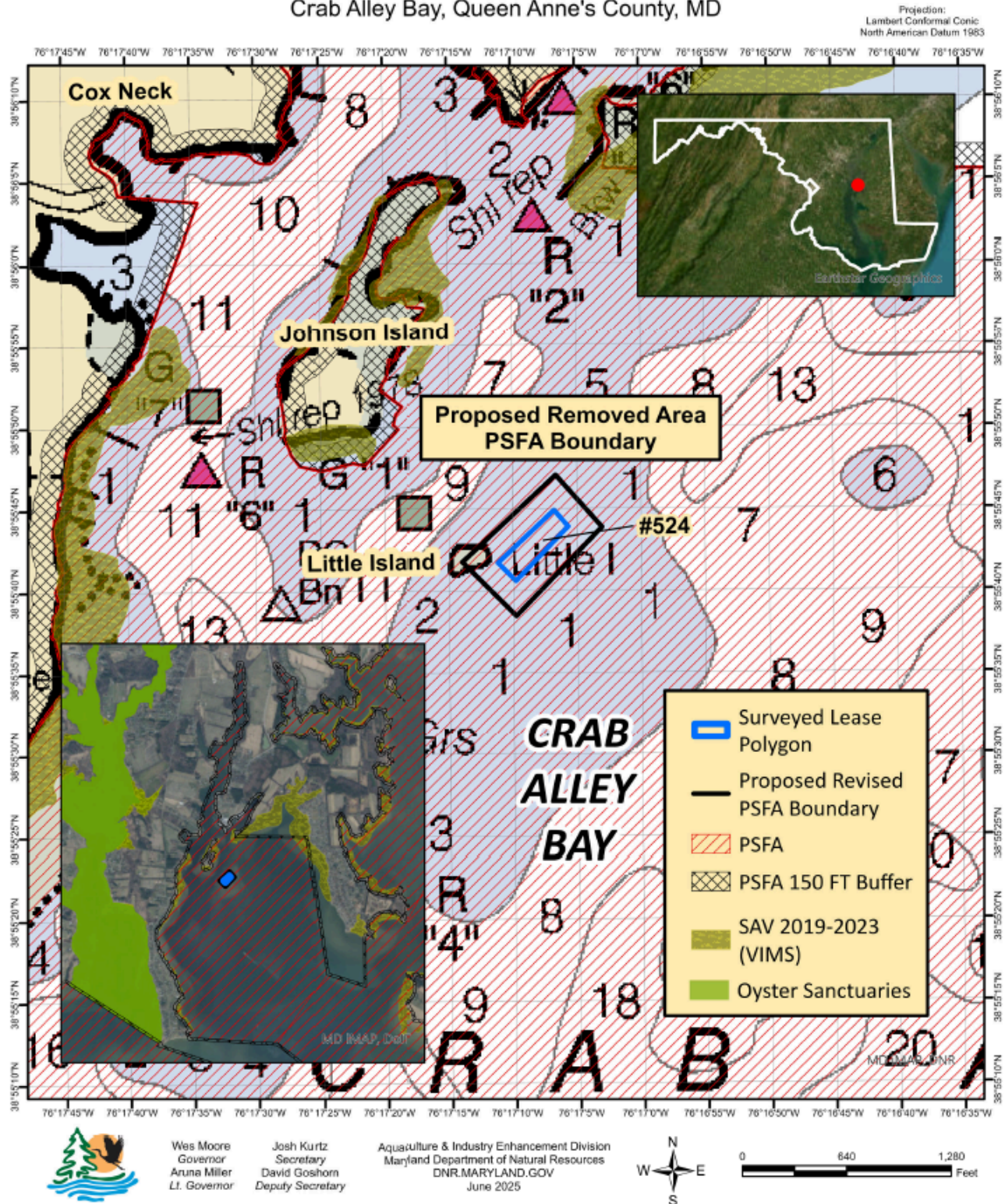
Declassification of PSFA 83

This change would declassify an approximate 8-acre portion of PSFA 83 located in Crab Alley Bay, Queen Anne's County. The declassification would modify the boundary of the PSFA by removing an area located approximately 1,000 feet southeast of Johnson Island and 600 feet east of green channel marker "1", adjacent to and surrounding Little Island, in order to issue a shellfish aquaculture submerged land lease. The total requested lease area is 1.6 acres, all of which falls within PSFA 83. The remaining 6.4 acres to be declassified consists of the required 150-foot buffer between the lease and the PSFA.

The declassification of approximately 1.6 acres of PSFA 83 was requested in shellfish aquaculture lease application #524 (Lewis, Jr. & Lewis). 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.

Map of Area

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

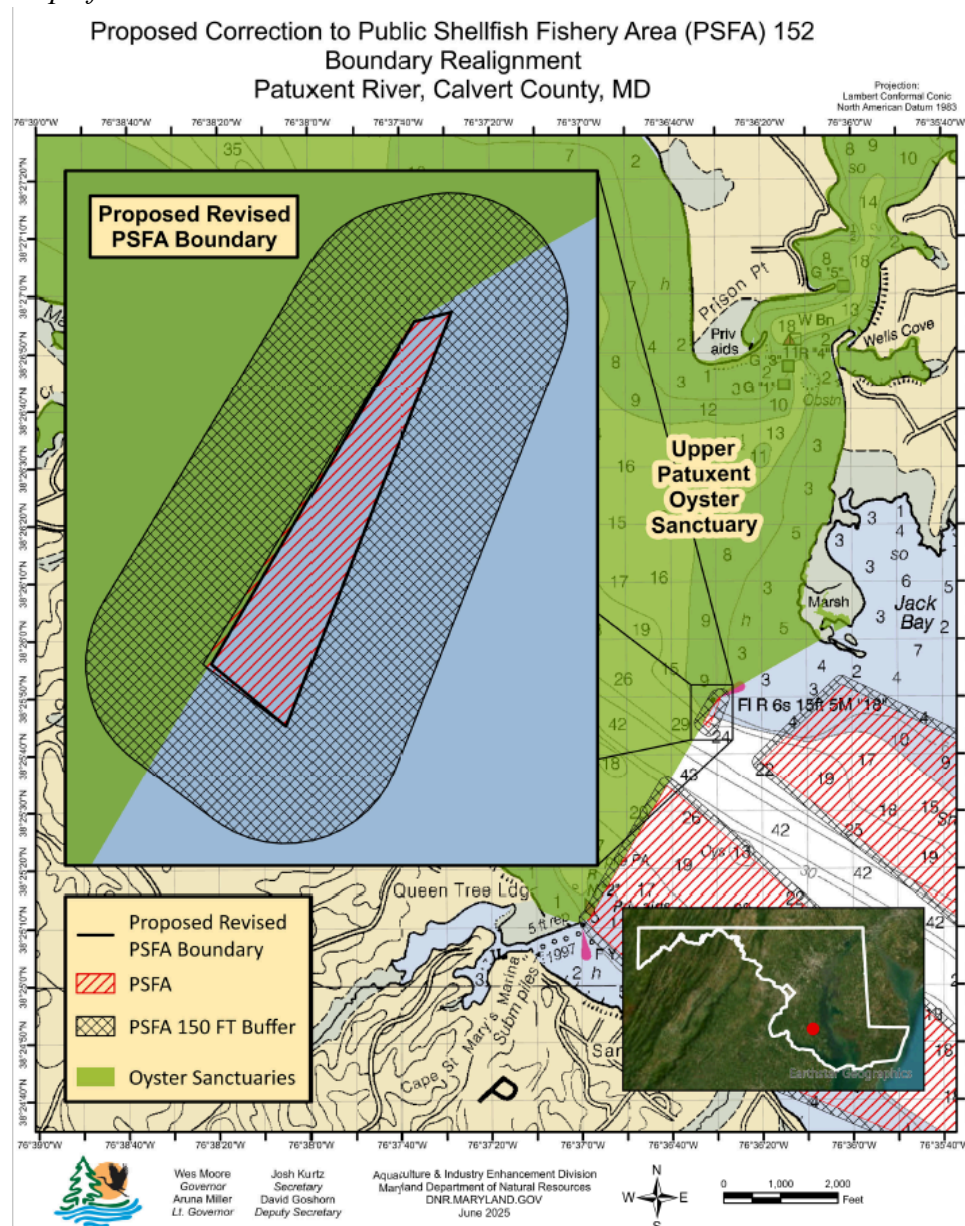


Correction of PSFA 152

The Department needs to adjust 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 and the department must adjust the boundary of PSFA 152 to eliminate the overlap.

Map of Area



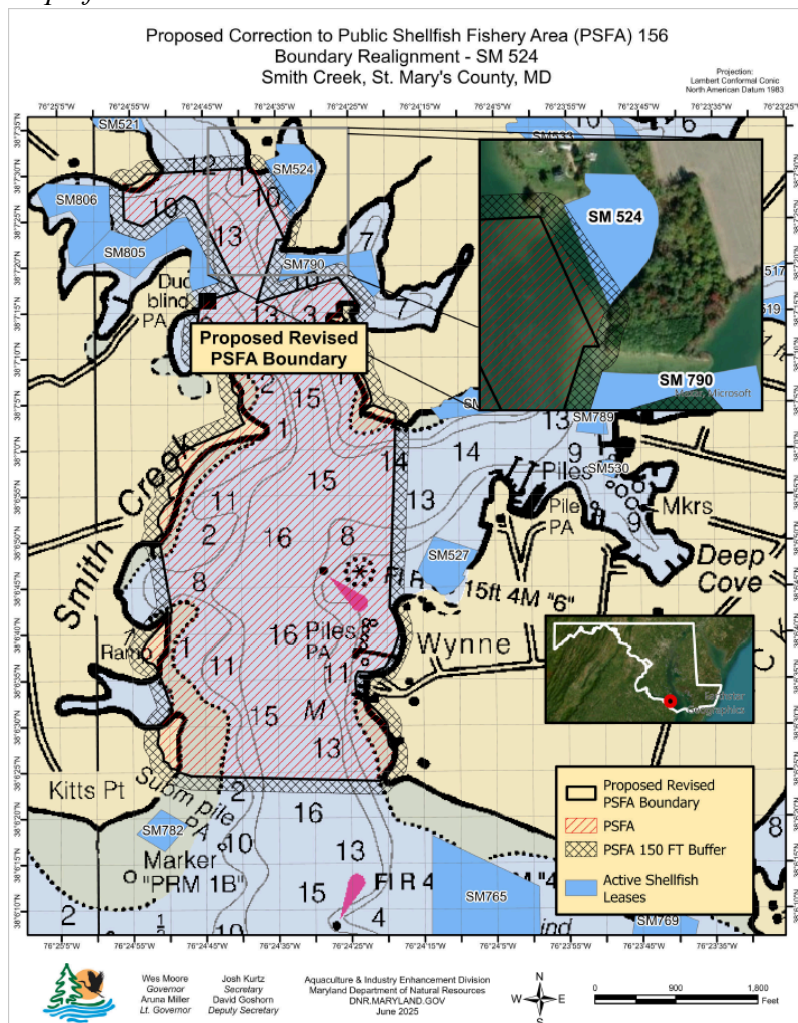
Correction of PSFA 156

The Department needs to adjust the boundary of PSFA 156 so that its 150-foot buffer no longer overlaps with shellfish aquaculture lease SM 524. The PSFA is located in Smith Creek, St. Mary's County.

Recognizing that it was the Department's intention to establish a 150-foot buffer as required by law between all shellfish aquaculture leases and PSFAs when PSFAs were initially established in September of 2011, and that the existence of shellfish lease SM 524 pre-dated the establishment of PSFAs, the Department must adjust the boundary of PSFA 156 to eliminate the buffer overlap and ensure that there is a full 150-foot buffer distance between the PSFA and the lease area.

The Department also needs to adjust another part of the boundary of PSFA 156 so that the PSFA and its 150-foot buffer no longer overlap with shellfish aquaculture lease SM 790. The Department had originally declassified this section of the PSFA in 2018 in order to issue the lease for SM 790 but due to an administrative error, inadvertently reincorporated this section of the PSFA in 2019. That error was discovered when mapping the boundary to establish the 150-foot buffer around lease SM 524 as described above.

Map of Area



Who will this affect?

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

When will this be effective?

The Department projects that this change could be effective in the Winter of 2025-2026. However, the exact date cannot be determined. The Department will follow our normal [procedures](#) if this concept moves forward.

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

This idea was discussed at the July 2025 meetings of the Aquaculture Coordinating Council, Sport Fisheries Advisory Commission, and Tidal Fisheries Advisory Commission. It will also be discussed at the August 2025 Oyster Advisory Commission meeting.

Additional Info

[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](#)