SHELLFISH AQUACULTURE - Reporting Deadlines

What is being considered?
The Department needs to update the deadline for when certain aquaculture reports are due to reflect changes made by the General Assembly in the 2025 Legislative Session. Specifically, the annual report was previously due on December 31 but has been changed in statute to be due on January 31.

Due to this change, the Department is also considering updating the terms of leases, shellfish aquaculture harvester permit cards, and shellfish aquaculture harvester registration cards from January 1 - December 31 to February 1 - January 31.

Why is this change necessary?
The General Assembly changed the deadline for the annual usage report for a shellfish aquaculture lease from on or before January 1 to January 31 in Chapter 430 of the 2025 Laws of Maryland (Chesapeake Bay Legacy Act). Previously "on or before January 1" meant that a shellfish aquaculture lease annual report was due no later than December 31, since January 1 is a State holiday. With the passage of the bill, the deadline is now January 31. This bill became effective October 1, 2025, so the statute is now in conflict with the regulation. The Department needs to update its regulations to reflect the change. The Department will provide notice to all leaseholders of the changed due date and administratively extend the term of the 2026 leases through the end of January 2027 to reflect the new due date.

In order to keep the terms of all of the various aquaculture authorizations in line, the Department must also change the valid dates of leases, shellfish aquaculture harvester permit cards, and shellfish aquaculture harvester registration cards.

Who will this affect?
This change applies to everyone who has a shellfish aquaculture lease.

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

1. This was discussed at the May and July 2025 meetings of the Aquaculture Coordinating Council.
2. This change was discussed with the Sport Fisheries Advisory Commission and the Tidal Fisheries Advisory Commission at their meetings in October 2026.

Additional Information
Statute - Natural Resources Article, §4-11A-14, Annotated Code of Maryland

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.

When could this be effective?
The Department projects that this change could be effective in the spring of 2027. However, the exact date cannot be determined at this time.