

OYSTERS – Fees for Purchasing, Hauling, and Planting Fresh Oyster Shell

What is being considered?

The department is considering altering the procedure for establishing the fair market value the department pays for fresh oyster shells and transportation and placement of fresh oyster shells. The current value is set by regulation; the department is considering changing the regulation to set the value by public notice.

Why is this change necessary?

Current regulation sets the rate to be paid by the department to any person for the hauling and planting of fresh oyster shell at 25 cents per bushel and the rate to be paid to purchase fresh oyster shell at \$2 per bushel, for a total of \$2.25 per bushel. The actual 2022 cost to purchase out-of-state shell, transport, and plant shells was \$7.25 per bushel. As a result, Maryland shucking houses are not selling to the department because of these current values established in regulation. Changing the process of establishing the rate paid by public notice each year, rather than setting the rate in regulation, will allow the department to pay a competitive fee based on current market conditions. If the rate set by the department is actually reflective of market conditions, more Maryland shucking houses may be willing to sell to the department, thereby allowing the department more access to shells.

Who will this affect?

Maryland oyster shucking businesses.

When would this be effective?

The department projects that this change could be effective by the spring of 2023, however the exact date cannot be determined. The department will follow our normal scoping and proposal procedures if this concept moves forward.

Has this change been discussed with stakeholders?

Many discussions within OAC, TFAC, Statewide Oyster Industry Committee, and the County Oyster Committees have occurred all of which express interest in obtaining more shell. The need for the department to be able to pay actual market rates has been recognized in these conversations.