

.08 Shellfish Nursery Permits.

A. Application.

(1) *An individual shall submit an application for a shellfish nursery permit prior to engaging in shellfish nursery activities.*

(2) *An application shall be submitted on a form provided by the Department.*

(3) *The fee for a shellfish nursery permit application is \$100 and is nonrefundable.*

B. A shellfish nursery permit:

(1) *Shall be valid for a 5-year term beginning on the day of issuance;*

(2) *May be renewed for a new term upon the Department's receipt of:*

(a) *All completed reports required under this regulation; and*

(b) *Confirmation that renewal is desired by the permittee;*

(3) *Is not transferrable; and*

(4) *Shall be issued for each facility separately.*

C. Reporting. *A permittee under this regulation shall submit an annual report of shellfish nursery activities on a form provided by the Department not later than December 31 of the reporting year.*

D. Size Limits. *A permittee under this regulation is only authorized to culture shellfish seed to a maximum size measuring no greater than 1 inch in length from hinge to bill.*

E. In-Water Structures.

(1) *An in-water shellfish nursery structure:*

(a) *Shall be no larger than 200 square feet at any one site or physical address;*

(b) *Shall be moored to an existing permitted wharf or other structure approved by the United States Army*

Corps of Engineers;

(c) *May not be located within a Submerged Aquatic Vegetation Protection Zone;*

(d) *May not be located within 150 feet of a public shellfish fishery area or a registered pound net site; and*

(e) *If located within an oyster sanctuary, as defined in COMAR 08.02.04.15, may not be located within 150 feet of a Yates bar.*

(2) *A shellfish nursery permit for an in-water structure may only be issued to:*

(a) *The owner of a wharf or other structure constructed on or about the water and approved by the United States Army Corps of Engineers; or*

(b) *To a person with the permission of the owner of such a wharf or other structure.*

F. Records and Inspection. *A shellfish nursery permittee shall:*

(1) *Maintain quarterly shipping and receiving records for each species cultivated at the facility that estimate:*

(a) *Stocks on hand, and*

(b) *The transfer of shellfish seed to or from the facility or leased area;*

(2) *Keep all shipping and receiving records for a minimum of 3 years; and*

(3) *Allow the Department to inspect at reasonable hours the shellfish nursery facility and any of the permittee's equipment, records, or product that are part of the permit holder's shellfish nursery operations.*

G. Suspension or Revocation of Permit. *The Department may revoke or suspend a permit at any time for noncompliance with the requirements established in §4-11A-23, regulations adopted under this section, or the terms and conditions of the permit.*

H. General.

(1) *A shellfish nursery permittee shall:*

(a) *Obtain all necessary permits and comply with all applicable federal, state and local laws and regulations;*

(b) *Follow the requirements of the National Shellfish Sanitation Program Model Ordinance that is incorporated by reference in COMAR 10.15.07.01A; and*

(c) *Notify the Department immediately upon discovery of any disease or mass mortality event affecting the shellfish at the facility that has the potential to contaminate native or naturalized animals.*

(2) *The shellfish nursery permit shall be:*

(a) *Displayed at the facility at all times, or*

(b) *In the possession of the permittee or any other individual engaged in shellfish nursery activities at the facility.*

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