

**TESTIMONY OF  
Kohl Kanwit  
Department of Marine Resources**

**The Department of Marine Resources (DMR) is testifying  
In Support of  
LD 64 An Act to Eliminate the Cultchless American Oyster Growers License  
Before the Committee on Marine Resources  
Sponsored by Representative Strout  
Date of Hearing: February 6, 2025**

Senator Tepler, Representative Hepler, and members of the Joint Standing Committee on Marine Resources, my name is Kohl Kanwit, Director of the Department of Marine Resources Bureau of Public Health and Aquaculture, and I am testifying on behalf of the Department in support of LD 64. This is a Department bill, and we are grateful to Representative Strout for sponsoring this bill on our behalf.

The cultchless American oyster grower's license was originally created over 30 years ago and was established as the authorization an individual needs to grow cultchless American oysters. Cultchless is defined as the absence at the shell hinge of foreign material or a scar, which indicates that an oyster has been cultivated. Historically, this license was viewed as a means to prevent poaching of oysters off of lease sites, as only oyster growers could obtain this license and possess cultchless oysters.

Originally all oyster growers were required to have this license, but over 10 years ago the law was amended so that if you held a lease or a limited purpose aquaculture license you were exempted from having to obtain the cultchless American oyster growers license. Beginning in 2018, an aquaculture license became required to remove, possess, transport or sell cultured organisms, including American oysters.

The fee for a cultchless American oyster growers license is \$12 and in most years, the Department does not sell any because it no longer serves any functional purpose, other than preventing individuals who are not oyster growers from possessing cultchless oysters. Municipalities are authorized to include oysters in their shellfish ordinance, and increasingly, we are seeing them do that. While it may have historically been true that only cultivated oysters did not have a cultch, that no longer seems to be the case, and even wild oysters may be cultchless. Harvesters who want to harvest a wild oyster resource already need to get a municipal shellfish license and a state shellfish license. There is no reason they should also have to get a cultchless American oyster growers license. Further, if there are cultchless oysters located off of a lease or license site, those oysters should be available to any licensed harvester, not just aquaculturists. Finally, the existence of the license is currently preventing municipalities who wish to enhance the oyster resource in their flats by planting cultchless oyster seed from doing so.

Fundamentally, as the laws around aquaculture leasing and licensing have evolved over the past three decades, the utility of this particular license has been eliminated. We have consulted with Marine Patrol and they do not feel it is necessary in order for Patrol to enforce existing prohibitions on the

unauthorized removal of product from a lease site. Because this entire section of law is being repealed, we have included the current language below so you can see what is being struck. The other section of law that is being repealed is one that references this license and prevents an individual who does not have this license from possessing cultchless American oysters, unless they have a bill of sale that includes the license number of the grower.

Thank you for your consideration, and I would be happy to answer any questions you might have.

#### **§6863. Cultchless American oyster growers license**

A person may not grow cultchless American oysters in the State unless licensed under this section, except that a person who is the holder of a lease issued under section 6072, 6072-A or 6072-B that authorizes the culture of American oysters or a license issued under section 6072-C that authorizes the culture of American oysters is not required to obtain a cultchless American oyster growers license.

**1. Definitions.** For the purposes of this Part, the term "cultchless" means the absence, at the shell hinge, of foreign material or a scar and the term "American oyster" means the genus and species *Crassostrea virginica*.

**2. License.** The commissioner shall establish by rule the criteria for a cultchless American oyster growers license.

**3. Fee.** The annual fee for a cultchless American oyster growers license is \$12.

**4. Penalty.** A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 and not more than \$500 may be adjudged.