

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 319

(Delegate Jacobs, *et al.*)

Environment and Transportation

Education, Health, and Environmental Affairs

Oysters and Clams - Dredging by Auxiliary Yawl - Authorized Boats

This bill makes certain provisions relating to dredge boats and dredging for oysters, including limited authorization of dredge boats to be propelled by an auxiliary yawl boat, applicable only to dredge boats that meet specified standards. The bill also repeals specified requirements regarding numbers that must be displayed on a dredge boat.

Fiscal Summary

State Effect: The bill does not directly affect State finances.

Local Effect: None.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: The existing provisions relating to dredge boats and dredging for oysters apply only to a dredge boat that:

- is a functional sailing vessel used to catch oysters or clams by dredge;
- is built in the style of a traditional Chesapeake Bay bugeye, schooner, or skipjack;
- uses a sailing rig composed of at least one mast and one boom capable of holding sails and configured for sailing;
- includes a set of davits capable of removing an auxiliary yawl boat from the water;

- does not have a screw, a propeller, an engine, a turbine, or any other device for self-propulsion used in catching oysters by dredge; and
- meets all U.S. Coast Guard requirements.

Current Law/Background: “Dredge boat” is defined as any sailboat which does not have a screw, propeller, engine, turbine, or other device for self-propulsion, used in catching oysters or clams by dredge. The Department of Natural Resources (DNR) may designate by rule or regulation a period of time not to exceed three days in any one week during which licensed dredge boats may be propelled by means of the auxiliary yawl boat (powered by a motor) carried on the dredge boat in the waters of the Chesapeake Bay. DNR regulations allow for a dredge boat to be propelled by an auxiliary yawl boat carried on the dredge boat to catch oysters in specified areas for not more than two days from Monday through Friday during the season for dredging oysters. Power dredging – harvesting oysters by dredge from a motor-powered boat – is not permitted in those areas.

The daily oyster harvest limit for dredge boats is 150 bushels per boat. In comparison, those harvesting by power dredge are limited to 12 bushels per licensee and 24 bushels per boat, and those harvesting by shaft tong, patent tong, or diving apparatus are limited to 15 bushels per licensee and 30 bushels per boat. Dredge boats have a higher harvest limit in large part due to historic and operational reasons. In addition to having had a 150 bushel harvest limit for decades, traditional skipjacks have much higher maintenance costs than other types of vessels used in the oyster fishery, as well as requiring many more crew members to operate the vessel.

While the bill and the existing statutory definition of “dredge boat” refer to the boats being used to harvest clams by dredge, licensees do not use dredge boats (whether under wind power or propelled by an auxiliary yawl boat) to harvest clams.

DNR indicates that management measures in the law and regulations for dredge boats, including the limited authorization for the boats to be propelled by an auxiliary yawl boat when harvesting oysters by dredge, are intended to apply to dredge boats built in the style of a traditional Chesapeake Bay bug-eye, schooner, or skipjack, preserving a part of Chesapeake Bay heritage. The bill ensures that the provisions authorizing dredge boats to be propelled by an auxiliary yawl boat apply only to those boats.

Statute specifies requirements (which are repealed by the bill) for large numbers to be displayed on a dredge boat. DNR regulations also contain a general requirement for a commercial licensee to display the licensee’s identification number provided by DNR on a vessel in a manner clearly visible to passing boats.

Small Business Effect: To the extent dredge boats propelled by an auxiliary yawl boat used by commercial watermen do not meet the standards under the bill, the bill may have

a meaningful negative impact on small businesses. DNR advises that, for the current oyster season to date, six licensees have reported harvest from a dredge boat. During the 2014-2015 oyster season, nine licensees reported harvest from a dredge boat.

Additional Information

Prior Introductions: HB 1274 of 2015, a similar bill, was referred to the House Rules and Executive Nominations Committee, but no further action was taken.

Cross File: None.

Information Source(s): Department of Natural Resources, Department of Legislative Services

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min/lgc

Analysis by: Scott D. Kennedy

Direct Inquiries to:
(410) 946-5510
(301) 970-5510