

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

House Bill 1485

(Delegate Fisher)

Environment and Transportation

Education, Health, and Environmental Affairs

Natural Resources - Shellfish - Harvesting by Wharf Owners

This bill – in Calvert, Howard, St. Mary’s, and Talbot counties – increases the distance from a specified pier, wharf, or other structure within which the owner has exclusive use of the area for the purpose of growing and harvesting oysters grown in trays, baskets, or containers attached to the pier, wharf, or other structure by lines or ropes that are the property of the owner. Instead of having exclusive use of the area within 5 feet of the pier, wharf, or other structure, the owner has exclusive use of the area within 10 feet of the pier, wharf, or other structure. The bill also allows for the trays, baskets, or containers to be attached to another oyster tray, basket, or container that is attached to the private pier, wharf, or structure. The bill also prohibits commercially harvesting, selling, or marketing the oysters, or oysters grown in any county below an owner’s pier, wharf, or structure (pursuant to an existing authorization), for human consumption. **The bill takes effect June 1, 2018.**

Fiscal Summary

State Effect: None. The bill does not affect State finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law/Background: The owner of any wharf or other structure constructed on or about the water and approved by the corps of engineers has exclusive use, for the purpose of growing and harvesting shellfish, of the area (1) below the owner’s wharf or structure and (2) in Calvert, Howard, St. Mary’s, and Talbot counties only, within five feet of the owner’s wharf or structure, oysters grown in trays, baskets, or containers that are attached

to a private pier or wharf by lines or ropes that are the property of the owner of the pier or wharf.

Private oyster growing by riparian landowners (“oyster gardening”) is subject to terms, conditions, and limitations in the programmatic general permit issued by the Baltimore District of the U.S. Army Corps of Engineers (Maryland State Programmatic General Permit-5, “MDSPGP-5”) that “authorizes work in the waters of the United States within the state of Maryland for activities that would cause not more than minimal adverse environmental effects, individually and cumulatively.” Among the permit’s terms, conditions, and limitations is a prohibition on a riparian owner (who engages in oyster gardening) from commercially harvesting, selling, or marketing any of the shellfish for human consumption.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Natural Resources; Maryland Department of the Environment; U.S. Army Corps of Engineers; Department of Legislative Services

Fiscal Note History: First Reader - March 6, 2018
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Analysis by: Scott D. Kennedy

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