

**HB0613\_DNR\_SUP\_EEE\_3-26-24.pdf**

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Position: FAV



Wes Moore, Governor  
Aruna Miller, Lt. Governor  
Josh Kurtz, Secretary  
David Goshorn, Deputy Secretary

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March 26, 2024

**BILL NUMBER: House Bill 613 – Third Reader**

**SHORT TITLE: Natural Resources - Recreational Catching of Oysters or Clams - Requirements**

**DEPARTMENT’S POSITION: SUPPORT**

**EXPLANATION OF DEPARTMENT’S POSITION**

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The Department supports House Bill 613.

Currently, Maryland does not have a recreational oyster license. Because of this, the State is unable to ascertain how much recreational harvest is occurring.

This license would assist the Agency in determining the recreational oyster harvest and how that may or may not impact the overall oyster abundance in the State. This license would allow the department to contact individuals with a recreational oyster license to provide them with the Shellfish Closure Book so that individuals would know where oyster harvesting is not allowed. These areas would include poor water quality areas closed by the Department of the Environment where harvested oysters are unsafe to consume, oyster sanctuaries, areas requested to be closed by the commercial public oyster fishery, and other areas that have been closed to harvesting,

Under the Agency’s current regulatory authority, it can create a free registration but not a license. Other states offer recreational licenses. For example, New Jersey offers a recreational shellfish license of \$10 annually, and the Agency feels this is a fair cost for the amount of harvest a recreational user is allotted. A portion of the license cost will go towards replenishing public fishery oyster bars by planting shell and juvenile oysters, similarly to the \$300 oyster surcharge commercially licensed oyster harvesters are required to purchase annually and is used for replenishment plantings. Recreational users (only Maryland residents may harvest) can catch up to 100 oysters per day. Having such a license will ensure that the Agency has a full understanding of those that partake in this means of harvest, the impact that it has on the resource, and provide information to assist the department when annually setting recreational harvest limits.

**BACKGROUND INFORMATION**

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No similar bills have been proposed previously. Recreational harvest is regulated by season, times, size, and catch limit. No recreational oyster license currently exists.

**BILL EXPLANATION**

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The bill as amended would create a \$10 annual 365 day recreational oystering license for residents who are 16 and older. Individuals under 16 years of age would be exempt from needing a license. A certain portion of the funds would be required to go to replenish shell and juvenile oysters on the public fishery oyster bar.

Contact: Dylan Behler, Director, Legislative and Constituent Services  
dylan.behler@maryland.gov ♦ 410-260-8113 (office) ♦ 443-924-0891 (cell)

# **HB613 - Boyce Testimony (Senate).pdf**

Uploaded by: Regina T. Boyce

Position: FAV

**REGINA T. BOYCE**  
Legislative District 43A  
Baltimore City

—  
*Vice Chair*  
Environment and  
Transportation Committee

*Subcommittees*  
Housing and Real Property

*Chair*  
Natural Resources, Agriculture  
and Open Space



*Annapolis Office*  
The Maryland House of Delegates  
6 Bladen Street, Room 251  
Annapolis, Maryland 21401  
410-841-3476 · 301-858-3476  
800-492-7122 Ext. 3476  
Fax 410-841-3295 · 301-858-3295  
Regina.Boyce@house.state.md.us

**THE MARYLAND HOUSE OF DELEGATES**  
ANNAPOLIS, MARYLAND 21401

March 26, 2024

Good afternoon Chairman Feldman, Vice Chair Kagan and members of the Education, Energy, and the Environment Committee,

For the record, I am Delegate Regina T. Boyce testifying on **HB613 Natural Resources - Recreational Catching of Oysters or Clams - Requirements**.

**HB613 is a departmental bill that** alters certain authorizations to recreationally catch clams in the State and establishes a recreational oyster license.

Currently, Maryland does not have a recreational oyster license, which poses challenges in tracking recreational harvests. The absence of such a license inhibits the effective management of our natural resources. Through HB613, the Department of Natural Resources aims to address this gap by introducing a \$10 annual recreational oyster license.

This proposed license will serve several crucial purposes:

- It will facilitate the tracking and management of recreational harvests by the Department of Natural Resources.
- The license fee will directly contribute to oyster replenishment efforts, aligning with existing surcharges for commercial harvesters.
- Under the proposed license, Maryland residents will be permitted to harvest up to 100 oysters per day.

It is important to note that similar licenses already exist in other states. For instance, New Jersey offers a recreational shellfish license for \$10 per year, a model that we believe is fair and effective in regulating recreational harvesting activities.

HB613 seeks to establish a \$10 annual recreational oystering license for Maryland residents aged 16 and above. This license will enable individuals to harvest up to 100 oysters per day, while the generated revenue from license fees will support oyster replenishment efforts, mirroring the approach taken with commercial harvesters.

HB613 has been amended to include a clause that the Department of Natural Resources shall use a portion of the application fee- the percentage of which will be determined by the Department- to replenish public fishery oyster bars by planting shell and juvenile oysters.

In conclusion, HB613 represents a proactive step towards sustainable resource management and the preservation of our state's natural heritage.

I thank the Committee for their time and consideration of HB613.

Sincerely,

A handwritten signature in blue ink that reads "Regina T. Boyce". The signature is written in a cursive style with a large initial 'R'.

Regina T. Boyce

**HB 613 - CBF- FWA - EEE.pdf**

Uploaded by: Matt Stegman

Position: FWA



# CHESAPEAKE BAY FOUNDATION

Environmental Protection and Restoration  
Environmental Education

## House Bill 613

Natural Resources – Recreational Catching of Oysters or Clams – Requirements

Date: March 26, 2024  
To: Senate Education, Energy, & Environment Committee

Position: **Favorable with Amendments**  
From: Allison Colden  
MD Executive Director

Chesapeake Bay Foundation (CBF) **SUPPORTS** House Bill 613 **WITH AMENDMENTS**. HB 613 removes from statute specific harvest limits for oyster and clams and makes such harvest limits subject to regulations promulgated by the Department of Natural Resources (DNR). Additionally, the bill establishes a new license requirement for all Maryland residents over the age of 16 to catch oysters recreationally.

CBF fully supports the development of a recreational oyster harvest license and has long advocated for its establishment. Though assumed to be a small proportion of oyster harvest overall, understanding the level of recreational harvest effort is important to Maryland's oyster stock assessment. Information collected annually on license sales can help DNR track the approximate recreational fishing effort over time.

CBF offers for the Committee's consideration three amendments:

**Amendment 1:** HB 613 explicitly requires that the licensee "physically possess the license while harvesting or attempting to harvest oysters." However, 2023 Md. Laws, Ch. 558 changed that requirement such that other recreational fishing licenses, including the Chesapeake and Coastal Sport Fishing License, must be made available by the Department in a digital or electronic format. This change was intended to accommodate users of DNR's smartphone application and negate the need to carry a paper license while on the water. An amendment to HB 613 that would allow for the presentation of a digital license would better align the recreational oyster harvest license with other licenses.

**Amendment 2:** Additionally, Nat. Res. Art. §1-403 authorizes DNR to develop and implement an electronic system for the sale and issuance of licenses. Licenses purchased through DNR's online [COMPASS](#) system also allow for voluntary donations to the Chesapeake Bay Trust and/or the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund. These donations at the point of sale are entirely voluntary and provide residents an opportunity to give back to efforts that improve the health of Chesapeake Bay and its fisheries. An amendment to HB 613 that would allow DNR to include the recreational oyster license on its online platform would allow for sales to generate additional funding for Bay restoration activities through donations.

**Amendment 3:** HB 613 specifies that the Department may use a portion of the license fee collected to replenish public oyster bars, specifically through planting of "shell and juvenile oysters." Unfortunately, oyster shell is becoming an ever scarcer resource, making the requirement to use shell limiting. The Governor's Shell and Substrate Task Force is currently working to develop recommendations on the use of alternative materials for all oyster sectors – restoration, aquaculture, and public fishery areas. Striking "by

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planting shell and juvenile oysters” from HB 613 would ensure DNR has the flexibility to consider whatever substrate may be appropriate for replenishment given its availability, cost, and acceptance by relevant stakeholders.

**CBF urges the Committee’s FAVORABLE report with AMENDMENTS on HB 613.**

For more information, please contact Matt Stegman, Maryland Staff Attorney, at [mstegman@cbf.org](mailto:mstegman@cbf.org).