



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

March 6, 2024

BILL NUMBER: House Bill 1231 – First Reader

SHORT TITLE: Natural Resources – Fisheries – Oyster Management

DEPARTMENT’S POSITION: OPPOSE

EXPLANATION OF DEPARTMENT’S POSITION

The Department opposes House Bill 1231.

This bill removes text from Natural Resources 4-215 regarding past projects already conducted by DNR. Section (e) (4) (i) required DNR to update its Oyster Fishery Management Plan. This was completed in 2019. Also, (e) (4) (iii) required DNR to continue with the selection of the final two tributaries in accordance with the 2014 Chesapeake Bay Watershed Agreement goal. This too has been accomplished with the selection of St Mary’s River Sanctuary and Manokin River Sanctuary, both of which are underway with their restoration treatment.

The bill stopped short of cleaning up text by not removing (e) (5) (i) through (iii) which directed DNR to conduct a consensus process through the Oyster Advisory Commission. This project was initiated in 2019 and was completed in 2021.

The bill expands power dredging in Eastern Bay in Queen Anne’s and Talbot Counties by proposing to add text to 4-1011. Eastern Bay’s recruitment levels are too low to withstand the harvest pressure by power dredging. The population will not be able to self-sustain under pressure from the most efficient harvest gear. Areas in the lower eastern Bay where the majority of power dredging occurs have spatsets almost 90% higher on average over the last 19 years than Eastern Bay. Even with the higher spatset in the lower eastern Bay, overfishing can still occur in some years. Hence it could be assumed that overfishing would likely occur in Eastern Bay if power dredging were allowed given current levels of recruitment and oyster populations.

During the 2010 legislation session, Senate Bill 37 proposed to allow power dredging throughout the Bay where harvest was permitted. While the bill did not pass, DNR did agree to conduct a power dredging study over a five year period in multiple locations where power dredging was not allowed. Two of the power dredging study areas are within Eastern Bay (285 acres in Wildground oyster bar and 203 acres on Parson Island oyster bar; Queen Anne’s County) and were studied from 2010 to 2015 to determine power dredging impacts to the oyster population and habitat. Comparisons between a reference, no power dredging site and the power dredging sites found that there was no improvement to spatset, oyster population, and habitat over the five years. The two power dredging study areas in Eastern Bay are still available to power dredging harvest currently.

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Eastern Bay spat set levels (oyster reproduction) are too low to withstand harvest pressure by power dredging. The population won't be able to replenish itself under the most efficient harvest gear type. Areas where power dredging can occur have spat sets that are much higher than Eastern Bay.

BACKGROUND INFORMATION

No similar bills have been proposed previously.

BILL EXPLANATION

The bill expands power dredging in Eastern Bay in Queen Anne's and Talbot Counties and changes requirements for the oyster fishery management plan.