

Wednesday, March 6, 2024

TO: Marc Korman, Chair of the House Environment and Transportation Committee, and Committee Members

FROM: Cait Kerr, The Nature Conservancy, State Policy Manager; and Michelle Dietz, The Nature Conservancy, Director of Government Relations

POSITION: Oppose HB 1223 Tidal Fish Licenses - Oyster Authorizations - Reinstatement

The Nature Conservancy (TNC) opposes HB 1223 offered by Delegates Adams and Jacobs. For the past two decades, the world has looked to the Chesapeake Bay to learn what's possible in oyster restoration. No effort in the world matches the scale of what has been accomplished here, and TNC has been proud to support and invest in oyster restoration along with many others during this time.

HB 1223 seeks to weaken deterrents for oyster poaching by allowing convicted poachers to re-enter the fishery after five years. Currently, oyster authorization revocation is reserved for the most egregious poaching violations when someone is found to have knowingly poached oysters. The legal standard for having "knowingly" poached oysters requires prosecutors to demonstrate not only that the accused was aware of the unlawfulness of their actions but also that they intended to commit the act. Under this legal standard, a person's license can only be revoked if it can be proven they knew their actions were unlawful and intended to carry them out regardless. According to the Department of Natural Resources, only about four individuals per year have their licenses revoked under the current standards.

Weakening penalties for the most severe oyster poaching violations fails to recognize the extremely high legal standard already required to revoke an individual's license. The actions that meet the threshold for revocation demonstrate a willful disregard for the law and for our state's natural resources. TNC supports the oyster industry across the state. We have a history of working across sectors to leverage private, state, and federal funding for its benefit. Oysters provide many gains for the Chesapeake Bay, including improving the Bay's health, strengthening our state and local economies, and enhancing Maryland's culture. Illegal oyster harvesting is detrimental to other watermen, oyster farmers, and Marylanders, who should be afforded the benefits that oysters provide.

The Nature Conservancy strongly opposes weakening deterrents for willfully and knowingly harvesting oysters illegally, which is harmful to other watermen's livelihoods, our economy, and the health of the Chesapeake Bay.

Therefore, we urge an unfavorable report on HB 1223.