

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulation  
Department of Natural Resources  
(DLS Control No. 20-068)**

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**Overview and Legal and Fiscal Impact**

This regulation opens additional acreage in the Patuxent River to patent tonging for oysters.

The regulation presents no legal issues of concern.

There is no fiscal impact on State or local agencies. Small businesses may be meaningfully affected.

**Regulation of COMAR Affected**

**Department of Natural Resources:**

Fisheries Service: Oysters: COMAR 08.02.04.01

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**Legal Analysis**

**Background**

According to the Department of Natural Resources, the area that is opened to patent tonging under the regulation is surrounded by approximately 9,000 to 10,000 acres of the river that is already open to patent tonging for oysters. The area is also already open to manual hand tonging and diving for oysters. The department further notes that the boundaries of the Neal Additional Sanctuary, which is surrounded by the patent tong area, are not changing.

**Summary of Regulation**

The regulation alters the coordinates for the areas in the Patuxent River where patent tonging for oysters is authorized, increasing the area by approximately eight acres.

**Legal Issues**

The regulation presents no legal issue of concern.

## **Statutory Authority and Legislative Intent**

The department cites § 4-215 of the Natural Resources Article as statutory authority for the regulation. That provision of law requires the department to prepare a fishery management plan for oysters, which may include catch limitations based on area and other factors (including gear).

This authority is correct and complete. The regulation complies with the legislative intent of the law.

## **Fiscal Analysis**

There is no fiscal impact on State or local agencies. Small businesses may be meaningfully affected.

## **Agency Estimate of Projected Fiscal Impact**

The department advises that the regulation has no impact on State or local governments. The Department of Legislative Services concurs.

## **Impact on Budget**

There is no impact on the State operating or capital budget.

## **Agency Estimate of Projected Small Business Impact**

The department advises that the regulation may have a meaningful economic impact on small businesses in the State. Commercial oyster harvesters who use patent tongs may meaningfully benefit from being able to harvest from the small area being opened up to the use of patent tongs. The Department of Legislative Services concurs.

## **Contact Information**

**Legal Analysis:** Patrick T. Tracy – (410) 946/(301) 970-5350

**Fiscal Analysis:** Scott D. Kennedy – (410) 946/(301) 970-5510