
By: **Senators Collins, Frosh, Sfikas, Hollinger, Craig, McCabe, Stoltzfus, Blount, Pinsky, Conway, Jimeno, Green, Middleton, and Hogan**
Introduced and read first time: February 6, 1998
Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Hydraulic Clam Dredging**

3 FOR the purpose of requiring the Department of Natural Resources to delineate
4 certain submerged aquatic vegetation beds for certain purposes; requiring the
5 Department to update certain delineations at certain times; prohibiting the
6 catching of soft-shell clams by hydraulic clam dredge within a certain distance
7 of certain delineated submerged aquatic vegetation beds; and generally relating
8 to the regulation of hydraulic clam dredging.

9 BY repealing and reenacting, with amendments,
10 Article - Natural Resources
11 Section 4-1033 and 4-1038
12 Annotated Code of Maryland
13 (1997 Replacement Volume and 1997 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Natural Resources**

17 4-1033.

18 (a) The Department shall adopt rules and regulations assuring that a tidal
19 fish license authorizes a person to use only one hydraulic clam dredge. The
20 Department also shall adopt rules and regulations requiring all licensees operating a
21 hydraulic clam dredge owned by another person, or subject to a lien held by another
22 person to have the license in possession when engaged in licensed activities and to
23 affix the license identification number permanently to the vessel as required in §
24 4-701(h) of this article.

25 (b) (1) The Department shall adopt rules and regulations governing
26 licensing of persons buying, selling, shipping, transporting, or otherwise dealing in
27 soft-shell clams, and the methods by which they may do so. However, a license may
28 not be required to sell or dispose of clams in any retail market, restaurant, or other

1 establishment where clams are sold or served for immediate use or consumption,
2 when the clams are purchased from a person possessing a dealer's or shipper's
3 license.

4 (2) The Department shall require any person licensed to dredge for
5 soft-shell clams or licensed pursuant to the provisions of this subsection to maintain
6 and submit records to the Department.

7 (c) The Department may promulgate rules and regulations relating to any
8 aspect of the soft-shell clam fishery and shall adopt rules and regulations governing:

9 (1) Measurement and structural details of a hydraulic clam dredge,

10 (2) The number of hydraulic clam dredges which may be carried on a
11 vessel,

12 (3) The use of mufflers on motors or engines on hydraulic clam dredges
13 or on board boats carrying hydraulic clam dredges,

14 (4) The establishment of limits on the number of bushels which may be
15 caught by a hydraulic clam dredge, or by a boat carrying a hydraulic clam dredge,

16 (5) The minimum size of soft-shell clams,

17 (6) The times and dates for taking, landing, and unloading soft-shell
18 clams, and

19 (7) Protection of soft-shell clams from contamination, or from
20 deterioration as a result of excessive heat.

21 (D) FOR PURPOSES OF ESTABLISHING ADDITIONAL AREAS WHERE THE
22 CATCHING OF SOFT-SHELL CLAMS BY HYDRAULIC CLAM DREDGE IS PROHIBITED
23 UNDER § 4-1038 (D) OF THIS SUBTITLE, THE DEPARTMENT SHALL:

24 (1) DELINEATE EXISTING SUBMERGED AQUATIC VEGETATION BEDS IN
25 THE CHESAPEAKE BAY AND ITS TRIBUTARIES AS DOCUMENTED IN THE MOST
26 RECENT AERIAL SURVEY; AND

27 (2) PERIODICALLY UPDATE THE DELINEATION REQUIRED UNDER
28 PARAGRAPH (1) OF THIS SUBSECTION.

29 4-1038.

30 (a) Except as provided in § 4-1039 of this subtitle, a person may not catch
31 soft-shell clams by hydraulic clam dredge in the following waters:

32 (1) Anne Arundel County. --

33 (i) Within 500 feet of any sea nettle net;

1 (ii) Within 800 feet of any public bathing beach between Saunders
2 and Dutchman's Point, if the beach is marked as required by rule or regulation and
3 the public uses the beach for bathing;

4 (iii) In Marley Creek; Stoney Creek; Bodkin Creek; Magothy River
5 above a line drawn from Mountain Point to Persimmon Point; Little Magothy River;
6 Whitehall Bay between the shore and a line drawn from Hackett's Point to Possum
7 Point; Mill Creek; Severn River between the shore and a line drawn from Greenbury
8 Point to the east side of the entrance to Lake Ogleton; South River between the shore
9 and a line drawn between Turkey Point and east side of Duvall Creek, and extending
10 1,500 feet in front of Sandy Point State Park and Fort Smallwood State Park; West
11 River south and west of a line running from Cheston Point to Curtis Point; or

12 (iv) Anywhere in Anne Arundel County north of the Chesapeake
13 Bay Bridge within 800 feet of the shoreline, or south of the Chesapeake Bay Bridge
14 and north of Thomas Point within 300 feet of the shoreline from September 16 to
15 April 15 and within 800 feet of the shoreline from April 16 to September 15; south of
16 Thomas Point within 300 feet of the shoreline, except that between Turkey Point and
17 Ramsey Lake clamming is prohibited within 800 feet of the shoreline. This subsection
18 does not prohibit the catching of clams by hydraulic clam dredge in West River or
19 Rhode River.

20 (2) Dorchester County. -- In the Dorchester County waters of the
21 Choptank River and its tributaries, west of a line running from Horn Point to Martin
22 Point and east of a line running from Sharp's Island light to Hill's Point from 30 days
23 before opening date of wild waterfowl hunting season until the closing date. For
24 purposes of this item, the seaduck season is not part of the wild waterfowl season.

25 (3) Queen Anne's County. -- In the waters of Eastern Bay and its
26 tributaries; Shipping Creek; Cox's Creek; Crab Alley Creek; Wye River south of a line
27 from the southernmost tip of Ferry Point to the northernmost tip of Drum Point; Wye
28 East River west of a line from the southernmost tip of Wye Island to northernmost tip
29 of Bruff's Island; Kent Narrows south of a line drawn from the northernmost tip of
30 Ferry Point to the northernmost tip of Long Point.

31 (4) Somerset County. -- In the Wicomico River or Monie Bay east of a
32 line from the easternmost entrance of Rock Creek to the southeast extremity of
33 Mollie's Point.

34 (5) Talbot County. --

35 (i) In the Tred Avon River and in Town Creek in front of Oxford,
36 between the shoreline and the center of the channel, except during October and
37 November;

38 (ii) Within 1,200 feet of the Federal Research Laboratory at Oxford.

39 (b) A person may not catch by hydraulic or mechanical clam dredge soft-shell
40 clams from the waters of Charles or Wicomico Counties by the use of any hydraulic or
41 mechanical clam dredge.

1 (C) A PERSON MAY NOT CATCH SOFT-SHELL CLAMS BY HYDRAULIC CLAM
2 DREDGE WITHIN 150 FEET OF SUBMERGED AQUATIC VEGETATION BEDS AS
3 DELINEATED UNDER § 4-1033 (D) OF THIS SUBTITLE.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 1998.