

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

House Bill 1159 (Delegate Elmore, *et al.*)
Environmental Matters

Natural Resources - Oysters - Power Dredging

This bill requires the Department of Natural Resources (DNR) to establish by regulation zones in which power dredging for oysters would be permitted.

The bill takes effect July 1, 2003 and sunsets June 30, 2008.

Fiscal Summary

State Effect: The bill would not materially affect State finances or operations; the bill allows for the continuation of power dredging in areas authorized by emergency regulation for power dredging between January 27 – April 15, 2003, and clarifies DNR's authority to establish additional power dredge zones.

Local Effect: The bill would not materially affect local operations or finances.

Small Business Effect: None. Power dredging would continue in specified areas.

Analysis

Bill Summary: The bill specifies areas that must be included in the zones and authorizes DNR, by regulation, to: (1) open or close any zone for the catching of oysters by power dredging; (2) open or close any zone for the conservation of oysters; (3) set the oyster dredge bar minimum and maximum size limits; or (4) set the season, days, and times when oysters may be harvested by power dredging. The bill establishes criteria DNR must follow in determining whether to open or close an oyster power dredge zone. When opening or closing a zone, DNR must publish the action and relevant dates and times at

least 48 hours in advance. DNR may require a person who catches oysters with a power dredge to complete and file reports on forms provided by DNR.

The bill prohibits DNR from establishing zones for the power dredging of oysters in an oyster sanctuary established by regulation or in a submerged aquatic vegetation (SAV) protection zone.

Current Law/Background: DNR is required to prepare a fishery management plan for oysters. As such, DNR has the authority to adopt conservation and management measures for the fishery, including the establishment of areas where power dredging is permitted. Power dredging is not currently permitted in oyster sanctuaries or SAV protection zones. Chapters 407, 633, 580, and 478 of 1999 required DNR to establish by regulation power dredging zones within specified areas of Calvert, Dorchester, Somerset, and St. Mary's counties. DNR recently adopted emergency regulations, effective January 27, 2003, to establish additional areas (in Dorchester, Somerset, St. Mary's, Talbot, and Wicomico counties) where power dredging is permitted for the rest of the 2002-2003 oyster season (until April 15, 2003). This bill codifies those areas and clarifies DNR's authority to establish additional power dredging zones.

Additional Information

Prior Introductions: None.

Cross File: SB 698 (Senator Stoltzfus) – Education, Health, and Environmental Affairs.

Information Source(s): Department of Natural Resources, Department of Legislative Services

Fiscal Note History: First Reader - March 7, 2003
ncs/jr

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