

Department of Legislative Services  
Maryland General Assembly  
2006 Session

FISCAL AND POLICY NOTE

House Bill 853 (Delegate Bozman, *et al.*)  
Environmental Matters

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**Atlantic Coastal Bays - Dredging for Oysters and Clams - Prohibition**

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This bill prohibits a person from catching or attempting to catch clams or oysters by power dredge, hydraulic clam dredge, or other mechanical means in the Atlantic Coastal Bays. The bill also prohibits the Department of Natural Resources (DNR) from opening areas closed to hydraulic soft-shell clam dredging in the Atlantic Coastal Bays.

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**Fiscal Summary**

**State Effect:** The bill's changes could be handled with existing budgeted resources.

**Local Effect:** The bill would not directly affect local government operations or finances.

**Small Business Effect:** Meaningful.

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**Analysis**

**Current Law:** In general, once a fishery management plan has been adopted by regulation, the State's fishery resources must be harvested in accordance with the conservation and management resources in the plan and any regulations implementing or amending the plan. Statute prohibits catching oysters by dredge and catching clams by hydraulic dredge, mechanical dredge, or by anything other than hand-held tools in specified areas. Except in Charles and Wicomico counties, DNR is authorized to open or close specified areas to hydraulic soft-shell clam dredging under specified conditions.

**Background:** Maryland's coastal bays, often called the back bays, are shallow water lagoons behind Ocean City and Assateague Island. According to the Maryland Coastal

Bays Program, more than 300 species of migratory waterfowl, songbirds, and birds of prey seek the shallow bays for food and shelter. Additionally, the shallow bays provide habitat for rare species of plants and animals as well as blue crabs, flounder, and clams.

DNR advises that the only harvest of clams and oysters in the coastal bays comes from mechanical means.

**State Expenditures:** DNR advises that costs would increase by \$186,266 in fiscal 2007 to enforce the bill's prohibition. DNR's estimate includes costs to hire a hydrographic engineer to mark the prohibited areas and certain lease grounds and to purchase associated equipment (including a vessel, a vehicle, and 320 buoys at \$300 each). DNR's out-year cost estimates, which reflect ongoing operating costs, average approximately \$70,300 from fiscal 2008 through 2011.

Legislative Services advises that it is unclear why DNR would need to mark the prohibited areas with buoys. Presumably, DNR could conduct some public outreach to commercial licensees relating to the prohibition and the areas to which it applies; DNR could also post that information on its web site. This may preclude the need to hire an engineer to mark the areas. Accordingly, it is assumed that DNR could implement the bill with existing budgeted resources. Should enforcement of the bill's prohibition prove difficult in the absence of marked areas, DNR may request additional resources through the annual budget process.

**Small Business Effect:** From 2000 to 2004, an average of 25 commercial licensees reported harvest of clams by mechanical means from the coastal bays; an average of \$150,000 in hard and soft-shell clams was reported. During that same time period, an average of two commercial licensees reported the harvest of oysters by mechanical means from the coastal bays; an average of 284 pounds of oysters with a dockside value of \$981 was reported.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Natural Resources, Maryland Coastal Bays Program, Department of Legislative Services

**Fiscal Note History:** First Reader - February 24, 2006  
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