

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE
Revised

House Bill 964

(Delegates Conway and Mathias)

Environmental Matters

Education, Health, and Environmental Affairs

Atlantic Coastal Bays - Dredging for Oysters and Clams - Prohibition

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.

The bill takes effect October 1, 2008.

Fiscal Summary

State Effect: None. The bill would not directly affect State finances.

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

Small Business Effect: Meaningful.

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.

Small Business Effect: From 2000 to 2006, an average of 22 commercial licensees reported harvest of clams by mechanical means from the coastal bays; an average of \$353,000 in hard and soft-shell clams was reported. During that same time period, on average one commercial licensee reported the harvest of oysters by mechanical means from the coastal bays; an average of 22 bushels of oysters with a dockside value of \$471 was reported.

Additional Information

Prior Introductions: An identical bill was introduced in the 2006 session as HB 853. The bill was passed by the House, but no further action was taken.

Cross File: SB 379 (Senator Dyson, *et al.*) – Education, Health, and Environmental Affairs.

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

Fiscal Note History: First Reader - February 26, 2007
ncs/ljm Revised - Enrolled Bill - April 24, 2007

Analysis by: Scott D. Kennedy

Direct Inquiries to:
(410) 946-5510
(301) 970-5510