

HOUSE BILL 584

M2

9lr2170

By: **Delegates Kullen and O'Donnell**

Introduced and read first time: February 6, 2009

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Patuxent River – Oyster Dredging – Authorization**

3 FOR the purpose of authorizing the harvest of oysters by dredge in certain areas of the
4 Patuxent River; and generally relating to oyster dredging in the Patuxent River.

5 BY repealing and reenacting, with amendments,
6 Article – Natural Resources
7 Section 4–1012
8 Annotated Code of Maryland
9 (2005 Replacement Volume and 2008 Supplement)

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

12 **Article – Natural Resources**

13 4–1012.

14 (a) A person may not catch oysters by dredge in the Atlantic Coastal Bays, as
15 defined in § 8–1802 of this article, or in the following areas of the Chesapeake Bay: the
16 area bounded by a line drawn from Lowes Point towards the Bloody Point Lighthouse
17 for a distance of 1.8 miles, and then direct to North Point on Poplar Island; then
18 southerly around the westerly shore of Poplar Island to the southwesterly most point;
19 then running in a straight line to the Department marker on the northern shore of
20 Pawpaw Cove which area shall be reserved for catching of oysters with shaft tongs
21 only; all the area lying within one–fourth mile of the western shore of Poplar Island;
22 all the area within one–half mile of Plum Point; all the area within one and one–half
23 miles of Sandy Point, Hackett Point, Tolly Point, and Thomas Point within Anne
24 Arundel County waters; and the following oyster bars: 2–9, 2–10, 5–1, 5–2, 5–3A,
25 5–3B, 8–2, 8–6, and 8–9, as defined by the charts of the Oyster Survey of 1906 to 1912,
26 and its amendments.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) A person may not catch oysters by dredge except in the following waters:

2 (1) Dorchester County. The area bounded as follows: beginning at
3 Crab Point in Honga River, then proceeding in a straight line to the most easterly
4 point on Lower Hooper Island to the Dorchester County line, then following the shore
5 line to Richland Point, then in a straight line southerly to Oakanhanikan Point, then
6 following the north shoreline of Bloodsworth Island to Tigs Point, then in a
7 northeasterly direction to Bishop Head Point, then along the shore to Crab Point, and
8 then to the place of beginning.

9 (2) Dorchester and Talbot counties. All that portion of the Choptank
10 River within an area bounded as follows: beginning at the Department marker on
11 Upper Bar Neck, Tilghman Island; then proceeding in a straight line easterly to
12 Benoni Lighthouse; then in a straight line easterly to Chlora Point; then in along the
13 shore easterly to Howell Point; then southerly across the Choptank River to Horn
14 Point; then westerly in a straight line to Castlehaven Point; then westerly in a
15 straight line to Todd Point; then westerly in a straight line to Cook Point; along the
16 shore to Hill's Point; then in a straight line to James' Point on James' Island; then in a
17 straight line to Sharp's Island Lighthouse; then in a straight line to Blackwalnut
18 Point; then along the shore to the Department marker, the point of the beginning.

19 (3) Somerset County. All the waters of Somerset County, except
20 Pocomoke Sound, including the Wicomico, Manokin, and Big Annemessex rivers,
21 which are defined as follows:

22 Wicomico River: easterly of a straight line drawn from the former dwelling of
23 Thomas Tigner near Hains Point to the most southwesterly point of Clay Island.

24 Manokin River: landward or upstream of a straight line joining South Point on
25 Little Deals Island to Hazard Point on the mainland.

26 Big Annemessex River: easterly of a straight line from Tenth Point to Porpoise
27 Point; and for the purpose of this section, Tenth Point shall be considered to be the
28 easterly point of the marsh at the entrance of Thru Creek shown on published Chart
29 No. 7 of the Oyster Survey of 1906 to 1912, at a position of latitude 38 degrees, 2
30 minutes, 19.20 seconds and longitude 75 degrees 51 minutes 39.47 seconds; and
31 Porpoise Point shall be considered to be the most westerly point of the marsh of Pat
32 Island and that part of Tangier Sound, south of a line drawn in an easterly course
33 from Terrapin Sands Point on the west side of Tangier Sound to the channel and then
34 following the channel in a southerly direction to the Virginia Line.

35 (4) Talbot County. The waters bayward of a line beginning at Kent
36 Point and following the territorial county line in an easterly direction to where it
37 intercepts the Queen Anne's County-Talbot County line; then following the county
38 line northeasterly to the point where a straight line drawn from Long Point to the
39 Wades Point bell buoy intersects the county line; from there in a southeasterly
40 direction to the Wades Point bell buoy; and then direct to Wades Point bell buoy; and

1 then direct to Wades Point; then following the shoreline to Lowes Point; and then
2 direct towards the Bloody Point Lighthouse for a distance of 1.8 miles; and then direct
3 to North Point on Poplar Island.

4 **(5) CALVERT AND ST. MARY’S COUNTIES. THE WATERS IN THE**
5 **PATUXENT RIVER BETWEEN A STRAIGHT LINE PROCEEDING WESTERLY FROM**
6 **THE BEACON AT ST. LEONARD’S CREEK TO THE BUOY MARKED “PATENT TONG**
7 **LINE” IN ST. MARY’S COUNTY AND A STRAIGHT LINE PROCEEDING WESTERLY**
8 **FROM THE LIGHTED BUOY AT BATTLE CREEK TO THE STONE JETTY AT THE**
9 **MOUTH OF CAT CREEK.**

10 (c) Any boat sailing over any areas of the State which are exempt from
11 dredging, by this subtitle or by rule or regulation of the Department, with any dredge,
12 scrape, scoop, or similar instrument on board or in tow, may be apprehended by any
13 Natural Resources police officer or any other law enforcement officer. If the boat has
14 on board any wet oysters, dredge, or dredge line, or if the deck is wet and the boat is
15 equipped for catching oysters with dredge or similar instrument, these facts shall be
16 prima facie evidence that the boat has been used to violate the provisions of this
17 section.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2009.