

HOUSE BILL 284

M2

0lr1490
CF 0lr1489

By: **Delegates Smigiel, Eckardt, Elmore, Haddaway, McDonough, and Sossi**
Introduced and read first time: January 27, 2010
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **County Oyster Committees – Public Shellfish Fishery Area – Power Dredging**

3 FOR the purpose of authorizing certain county oyster committees to authorize the use
4 of power dredges to catch oysters in public shellfish fishery areas under certain
5 circumstances; defining a certain term; and generally relating to power
6 dredging for oysters.

7 BY repealing and reenacting, with amendments,
8 Article – Natural Resources
9 Section 4–1012
10 Annotated Code of Maryland
11 (2005 Replacement Volume and 2009 Supplement)

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

14 **Article – Natural Resources**

15 4–1012.

16 **(A) (1) IN THIS SUBSECTION, “PUBLIC SHELLFISH FISHERY AREA”**
17 **HAS THE MEANING STATED IN § 4–11A–01 OF THIS TITLE.**

18 **(2) EXCEPT WHERE THE USE OF DREDGES TO CATCH OYSTERS IS**
19 **SPECIFICALLY PROHIBITED UNDER THIS TITLE, THE COUNTY OYSTER**
20 **COMMITTEE FOR A COUNTY ADJACENT TO AN AREA DESIGNATED BY THE**
21 **DEPARTMENT AS A PUBLIC SHELLFISH FISHERY AREA MAY AUTHORIZE THE USE**
22 **OF POWER DREDGES TO CATCH OYSTERS IN THE PUBLIC SHELLFISH FISHERY**
23 **AREA DURING OYSTER DREDGING SEASON AT TIMES AND IN SPECIFIC**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **LOCATIONS WITHIN THE PUBLIC SHELLFISH FISHERY AREA AS DETERMINED BY**
2 **THE COUNTY OYSTER COMMITTEE.**

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

16 **[(b)] (C)** A person may not catch oysters by dredge except in the following
17 waters:

18 (1) Dorchester County. The area bounded as follows: beginning at
19 Crab Point in Honga River, then proceeding in a straight line to the most easterly
20 point on Lower Hooper Island to the Dorchester County line, then following the
21 shoreline to Richland Point, then in a straight line southerly to Oakanhanikan Point,
22 then following the north shoreline of Bloodsworth Island to Tigs Point, then in a
23 northeasterly direction to Bishop Head Point, then along the shore to Crab Point, and
24 then to the place of beginning.

25 (2) Dorchester and Talbot counties. All that portion of the Choptank
26 River within an area bounded as follows: beginning at the Department marker on
27 Upper Bar Neck, Tilghman Island; then proceeding in a straight line easterly to
28 Benoni Lighthouse; then in a straight line easterly to Chlora Point; then in along the
29 shore easterly to Howell Point; then southerly across the Choptank River to Horn
30 Point; then westerly in a straight line to Castlehaven Point; then westerly in a
31 straight line to Todd Point; then westerly in a straight line to Cook Point; along the
32 shore to Hill's Point; then in a straight line to James' Point on James' Island; then in a
33 straight line to Sharp's Island Lighthouse; then in a straight line to Blackwalnut
34 Point; then along the shore to the Department marker, the point of the beginning.

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

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

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

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

12 (4) Talbot County. The waters bayward of a line beginning at Kent
13 Point and following the territorial county line in an easterly direction to where it
14 intercepts the Queen Anne's County-Talbot County line; then following the county
15 line northeasterly to the point where a straight line drawn from Long Point to the
16 Wades Point bell buoy intersects the county line; from there in a southeasterly
17 direction to the Wades Point bell buoy; and then direct to Wades Point bell buoy; and
18 then direct to Wades Point; then following the shoreline to Lowes Point; and then
19 direct towards the Bloody Point Lighthouse for a distance of 1.8 miles; and then direct
20 to North Point on Poplar Island.

21 [(c)] (D) Any boat sailing over any areas of the State which are exempt from
22 dredging, by this subtitle or by rule or regulation of the Department, with any dredge,
23 scrape, scoop, or similar instrument on board or in tow, may be apprehended by any
24 Natural Resources police officer or any other law enforcement officer. If the boat has
25 on board any wet oysters, dredge, or dredge line, or if the deck is wet and the boat is
26 equipped for catching oysters with dredge or similar instrument, these facts shall be
27 prima facie evidence that the boat has been used to violate the provisions of this
28 section.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2010.