

# HOUSE BILL 1172

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By: **Delegate Walkup**

Introduced and read first time: February 17, 2010

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Oyster Dredging – Cecil, Kent, and Queen Anne’s**  
3 **Counties**

4 FOR the purpose of adding the waters of Cecil, Kent, and Queen Anne’s counties to the  
5 areas of the State waters of the Chesapeake Bay where a person may catch  
6 oysters by dredge; providing for the termination of this Act; and generally  
7 relating to oyster dredging in the Chesapeake Bay.

8 BY repealing and reenacting, with amendments,  
9 Article – Natural Resources  
10 Section 4–1012  
11 Annotated Code of Maryland  
12 (2005 Replacement Volume and 2009 Supplement)

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

15 **Article – Natural Resources**

16 4–1012.

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Arundel County waters; and the following oyster bars: 2-9, 2-10, 5-1, 5-2, 5-3A,  
2 5-3B, 8-2, 8-6, and 8-9, as defined by the charts of the Oyster Survey of 1906 to 1912,  
3 and its amendments.

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

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

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

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

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

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

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

38 (4) Talbot County. The waters bayward of a line beginning at Kent  
39 Point and following the territorial county line in an easterly direction to where it  
40 intercepts the Queen Anne's County-Talbot County line; then following the county

1 line northeasterly to the point where a straight line drawn from Long Point to the  
2 Wades Point bell buoy intersects the county line; from there in a southeasterly  
3 direction to the Wades Point bell buoy; and then direct to Wades Point bell buoy; and  
4 then direct to Wades Point; then following the shoreline to Lowes Point; and then  
5 direct towards the Bloody Point Lighthouse for a distance of 1.8 miles; and then direct  
6 to North Point on Poplar Island.

7 **(5) CECIL, KENT, AND QUEEN ANNE'S COUNTIES. ALL OF THE**  
8 **WATERS OF CECIL, KENT, AND QUEEN ANNE'S COUNTIES.**

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

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 October 1, 2010. It shall remain effective for a period 5 years and, at the end of  
19 September 30, 2015, with no further action required by the General Assembly, this Act  
20 shall be abrogated and of no further force and effect.