

Department of Legislative Services  
Maryland General Assembly  
2010 Session

FISCAL AND POLICY NOTE

House Bill 284 (Delegate Smigiel, *et al.*)  
Environmental Matters

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**County Oyster Committees - Public Shellfish Fishery Area - Power Dredging**

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This bill authorizes a county oyster committee, representing a county located adjacent to a Department of Natural Resources (DNR)-designated public shellfish fishery area, to authorize the use of power dredges to catch oysters in that area, unless it is specifically prohibited by Fish and Fishery provisions in the Natural Resources Article. This authority is limited to the oyster dredging season, at times and locations determined by the county oyster committee.

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**Fiscal Summary**

**State Effect:** The bill does not materially affect State finances.

**Local Effect:** None.

**Small Business Effect:** Potential meaningful.

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**Analysis**

**Current Law:** A “public shellfish fishery area” is an area in which shellfish is harvested for commercial purposes by any person licensed and authorized to harvest shellfish.

DNR regulates oyster harvesting in State waters. Individuals may not catch or attempt to catch clams or oysters by power dredge, hydraulic clam dredge, or other mechanical means in the Atlantic Coastal Bays.

Any person who owns or is responsible for operating any dredge boat must have a license to catch oysters by dredge boat. There are specific areas in which a person may not catch

oysters by dredge, including specified areas of the Chesapeake Bay – generally all the area lying within one-fourth mile of the western shore of Poplar Island; all the area within one-half mile of Plum Point; all the area within one and one-half miles of Sandy Point, Hackett Point, Tolly Point, and Thomas Point within Anne Arundel County waters; and specified oyster bars. Other provisions of law prohibit oyster harvesting by dredge, except in specified waters located in Dorchester, Somerset, and Talbot counties.

Current regulations stipulate that individuals must receive a DNR power dredge permit before catching or attempting to catch oysters in State waters and may not use a power dredge bar that exceeds 42 inches. Also, regulations specify power dredge zones where individuals may catch oysters by power dredge, including areas of Calvert, Dorchester, Wicomico, St. Mary's, Somerset, and Talbot counties and the St. Mary's River.

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.

**Background:** County oyster committees have been part of the State's oyster management structure for decades. These committees were established to provide oyster propagation advice to DNR. DNR is required to establish, in each tidewater county, four committees elected from oyster harvesters (*e.g.*, dredgers, tongers, patent tongers, and divers). DNR meets regularly with the existing committees to get feedback on oyster management issues.

A variety of approaches are used to gather oysters. Rakes are used in shallow waters and long-handled rakes or oyster tongs are used in deeper water. Patent tongs can be lowered on a line to reach beds which are too deep to reach directly. In all cases the manner of operation is the same; individuals scrape together a small pile of oysters and gather them with a rake or tongs. A dredge is a toothed bar attached to a chain bag that picks up oysters as it is towed by a boat through an oyster bed. While dredges collect oysters quickly, their use is strictly limited due to the damage they may cause to oyster beds.

In December 2009, Governor Martin O'Malley proposed a new management and restoration plan for oysters and the Maryland oyster industry. The proposal seeks to increase Maryland's network of oyster sanctuaries, expand oyster aquaculture leasing opportunities, and maintain 167,720 acres of natural oyster habitat for a public oyster fishery. Four public scoping meetings are planned for January 2010 to allow public review and comment on the oyster plan's proposed implementation regulations.

**Small Business Effect:** To the extent the bill allows small fishing businesses to catch more oysters successfully, it has a meaningful effect. However, to the extent the bill contributes to oyster bar degradation and reduced water quality, small businesses

dependent on a healthy Chesapeake Bay (*e.g.*, the sport fishing community) may be negatively affected.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - February 4, 2010  
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