

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

Senate Bill 37 (Senator Colburn)
Education, Health, and Environmental Affairs

Department of Natural Resources - Oysters - Patent Tongs and Power Dredges

This bill prohibits the Department of Natural Resources (DNR) from barring the use of patent tongs or power dredges to catch oysters in State waters. DNR may regulate when and how these methods are used to catch oysters.

Fiscal Summary

State Effect: This bill does not materially affect State finances.

Local Effect: None.

Small Business Effect: Meaningful.

Analysis

Current Law: 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.

Generally, individuals may not catch oysters with patent tongs in specified areas of the Patuxent River; tributaries of the Potomac River; the South River; and Anne Arundel, Wicomico, Queen Anne's, Talbot, Dorchester, and Kent county waters.

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: 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 cause to oyster beds.

Small Business Effect: To the extent the bill allows small fishing businesses to catch more oysters successfully, the bill 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.

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader - January 12, 2010
ncs/lgc

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