

HOUSE BILL 1249

M2

11r2839

By: **Delegates McMillan and Costa**

Introduced and read first time: February 22, 2011

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Oyster Fishery – South River – Hand Tonging**

3 FOR the purpose of authorizing a person to take or catch oysters by hand tong only in
4 certain waters of the South River in Anne Arundel County; excepting certain
5 areas of the South River from the authorization; providing for the application of
6 certain provisions of this Act; and generally relating to the public oyster fishery
7 in the South River in Anne Arundel County.

8 BY repealing and reenacting, with amendments,
9 Article – Natural Resources
10 Section 4–215(i) and 4–1011
11 Annotated Code of Maryland
12 (2005 Replacement Volume and 2010 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 4–215.

17 (i) Notwithstanding any other provision of this title, except § 4–1002 **OR §**
18 **4–1011(E)(2)** of this title, once a fishery management plan has been adopted by
19 regulation, the State’s fishery resources shall be harvested in accordance with the
20 conservation and management measures in the fishery management plan and any
21 regulations implementing or amending that plan.

22 4–1011.

23 (a) A person may not use patent tongs to catch oysters in any of the following
24 waters: Wicomico, Queen Anne’s, Talbot, Dorchester, and Kent counties, except on the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 following natural oyster bars: 2–9, 2–10, 5–1, 5–2, also known as Huntingfield Bar
2 5–3, and 5–7, as defined on the charts of the Oyster Survey of 1906 to 1912, and its
3 amendments.

4 (b) A person may catch oysters by patent or hand tongs in Talbot County
5 waters within the following bounds:

6 Beginning at Kent Point and following the territorial county line in an easterly
7 direction to where it intercepts the Queen Anne’s County–Talbot County line, then
8 following the county line northeasterly to the point where a straight line drawn from
9 Long Point to the Wades Point bell buoy intersects the county line, from there in a
10 southeasterly direction to the Wades Point bell buoy, and then direct to Wades Point,
11 and then following the shoreline to Lowes Point, and then direct towards the Bloody
12 Point Lighthouse for a distance of 1.8 miles, and then direct to North Point on Poplar
13 Island.

14 (c) A person may not use patent tongs to catch oysters:

15 (1) In the Patuxent River above and north of a straight line joining
16 Sotterly Wharf and the beacon at St. Leonard Creek; or

17 (2) In the tributaries of the Potomac River.

18 (d) A person may take or catch oysters by hand tong only in the waters of
19 Holland Straits lying within the territorial limits of Somerset County. Holland Straits
20 is that body of water bound by a line, on the north or Tangier Sound side, drawn from
21 Lower Island Point to Sound Point and by a line, on the south or Kedges Straits side,
22 drawn from Pry Island to the southern end of Holland Island.

23 (e) (1) A person may not use patent tongs to catch oysters in the South
24 River in Anne Arundel County above and west of a straight line drawn between
25 Thomas Point and Saunders Point.

26 (2) (I) **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
27 **PARAGRAPH, A PERSON MAY TAKE OR CATCH OYSTERS BY HAND TONG ONLY IN**
28 **THE WATERS OF THE SOUTH RIVER IN ANNE ARUNDEL COUNTY BETWEEN A**
29 **STRAIGHT LINE PROCEEDING NORTHEASTERLY FROM TURKEY POINT,**
30 **DAYMARKER 5 TO DAYMARKER 3 AND CONTINUING STRAIGHT TO THE SHORE**
31 **AND A STRAIGHT LINE PROCEEDING NORTHEASTERLY FROM CEDAR POINT TO A**
32 **DESIGNATED POINT IN THE MOUTH OF ABERDEEN CREEK AT LATITUDE 38**
33 **DEGREES, 56 MINUTES, 495 SECONDS NORTH, LONGITUDE 76 DEGREES, 31**
34 **MINUTES, 235 SECONDS WEST.**

35 (II) **THIS PARAGRAPH DOES NOT APPLY TO ANY AREA:**

- 1
2 **SOUTH RIVER; AND**
- 3
4 **JANUARY 1, 2011.**
1. **IN A CREEK THAT BRANCHES OUT FROM THE**
 2. **TO WHICH AN AQUACULTURE LEASE APPLIED ON**

5 (f) A person may not use patent tongs to catch oysters in waters of
6 Chesapeake Bay that are adjacent to Dorchester County and that lie generally
7 eastward and northward of a line drawn in a southeasterly direction from the
8 southernmost tip of Barren Island to Richland Point on Hooper Island.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2011.