

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

House Bill 1244

(Delegate O'Donnell, *et al.*)

Environmental Matters

Patuxent River - Oysters - Use of Patent Tongs

This bill decreases the total area of the Patuxent River subject to a prohibition on the use of patent tongs to catch oysters.

Fiscal Summary

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

Local Effect: None.

Small Business Effect: Meaningful.

Analysis

Current Law: The Department of Natural Resources (DNR) regulates oyster harvesting in State waters. Individuals may not catch oysters with patent tongs in the Patuxent River above and north of a straight line joining Sotterly Wharf and the beacon at St. Leonard Creek.

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 may cause to oyster beds.

The oyster bars in the approximately five-square miles impacted by the bill have a long history of being hand-tong-only bars. DNR advises that allowing highly effective, heavy, and potentially very damaging patent tong gear into the upper reaches of the Patuxent River would cause a 60% to 80% reduction in the area's mature oyster population.

DNR is implementing several new oyster management approaches that affect the Patuxent River. DNR added portions of the upper Patuxent River, excluding the area targeted by the bill, in an expanded oyster sanctuary network. Also, DNR's first two Aquaculture Enterprise Zones (AEZs), or preapproved oyster aquaculture lease areas, were approved in October 2009 and are located near Broomes Island on the Patuxent River. One of the AEZs is located in the area the bill seeks to open to patent tonging. Furthermore, in December 2009, a Patuxent River harvest reserve area – in which oyster harvesting may occur only under specified conditions – was designated in the Broadneck area that allows harvesting only by hand tong.

Small Business Effect: DNR advises that, during the 2009 oyster season, 27 bushels of oysters were harvested in the area affected by the bill, representing a total market value of \$794. No bushels have been harvested off the affected oyster bars for the current season. 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: HB 154 of 2010 received a hearing in the House Environmental Matters Committee, but no further action was taken.

Cross File: None.

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

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mc/lgc

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