

Department of Legislative Services  
Maryland General Assembly  
2011 Session

FISCAL AND POLICY NOTE

House Bill 1249 (Delegates McMillan and Costa)  
Environmental Matters

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Public Oyster Fishery - South River - Hand Tonging

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This bill authorizes oyster harvesting with hand tongs only in specified waters of the South River in Anne Arundel County. The bill does not apply to any area (1) in a creek that branches out from the South River; and (2) to which an aquaculture lease applied on January 1, 2011.

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Fiscal Summary

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

**Local Effect:** The bill does not materially affect local operations or finances.

**Small Business Effect:** Minimal.

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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 South River in Anne Arundel County above and west of a straight line drawn between Thomas Point and Saunders Point.

**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.

Since 1994, the Chesapeake Bay's oyster population has languished at 1% of historic levels; oyster bars have decreased 80% and the number of harvesters has dwindled from 2,000 in the mid-1980s to just over 500 annually since 2002. To help reverse this trend, DNR unveiled a new management and restoration plan for oysters and the State's oyster industry in December 2009. The plan increases the State's network of oyster sanctuaries from 9% to 24% of the bay's remaining quality oyster bars, establishes oyster aquaculture leasing opportunities, and maintains 76% of the bay's quality oyster habitat for a public oyster fishery. The plan was adjusted in response to public feedback, and implementing regulations were finalized in September 2010.

The bill targets an existing public fishery area in which only hand tongs may be used to harvest oysters. DNR advises that the bill prevents the department from being able to regulate the type of gear that is used to harvest oysters in that area.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - March 16, 2011  
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