

# HOUSE BILL 916

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6lr3142

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By: Delegates Jacobs, Carozza, Cassilly, Hornberger, S. Howard, Mautz, Otto, and Reilly

Introduced and read first time: February 10, 2016

Assigned to: Environment and Transportation

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 14, 2016

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 ~~Hard-Shell Clams—Use of Hydraulic Clam Dredge—Atlantic Coastal Bays~~  
3 Study on Harvesting Hard-Shell Clams in the Atlantic Coastal Bays and  
4 Aquaculture Areas in the Chincoteague Bay

5 FOR the purpose of ~~authorizing a person to catch hard-shell clams by hydraulic clam~~  
6 ~~dredge in certain areas of the Atlantic Coastal Bays; prohibiting a person who~~  
7 ~~catches hard-shell clams in the Atlantic Coastal Bays from using a hydraulic clam~~  
8 ~~dredge that has a tooth bar that exceeds a certain length; limiting the number of~~  
9 ~~licensees per vessel who may catch hard-shell clams by hydraulic clam dredge in the~~  
10 ~~Atlantic Coastal Bays; requiring one licensee on a vessel catching hard-shell clams~~  
11 ~~by hydraulic clam dredge in the Atlantic Coastal Bays to be the owner and operator~~  
12 ~~of the vessel; establishing certain daily catch limits for and a certain season for~~  
13 ~~catching hard-shell clams by hydraulic clam dredge in the Atlantic Coastal Bays;~~  
14 ~~and generally relating to catching hard-shell clams by hydraulic clam dredge in the~~  
15 ~~Atlantic Coastal Bays~~ requiring the Department of Natural Resources to study and  
16 make certain recommendations regarding harvesting hard-shell clams in the  
17 Atlantic Coastal Bays; requiring the Department to identify areas in the  
18 Chincoteague Bay that are restricted from being used under an aquaculture lease;  
19 requiring the Department to report its findings and recommendations to the  
20 Governor and the General Assembly on or before a certain date; and generally  
21 relating to a study on harvesting hard-shell clams in the Atlantic Coastal Bays and  
22 aquaculture in the Chincoteague Bay.

23 ~~BY repealing and reenacting, with amendments,~~

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



~~Article — Natural Resources  
Section 4-1002 and 4-1021.1  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That ~~the Laws of Maryland read as follows:~~

(a) The Department of Natural Resources shall:

(1) study and make recommendations on the mechanical harvesting of hard-shell clams in the Atlantic Coastal Bays in the area between the Verrazano Bridge and the Maryland-Virginia state line, including:

(i) the appropriate types of harvest gear that may be used in mechanical harvesting;

(ii) an appropriate harvest season, taking into consideration hard-shell clam population density thresholds; and

(iii) appropriate harvest limits, taking into consideration:

1. the size of the existing hard-shell clam population; and

2. other hard-shell clam stock assessment parameters developed in response to annual surveys and scientific studies, including mortality and recruitment; and

(2) identify areas in the Chincoteague Bay that are restricted from being used under an aquaculture lease.

(b) On or before December 31, 2016, the Department shall report its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

~~Article — Natural Resources~~

~~4-1002.~~

~~(A) Notwithstanding any other provision of this title AND EXCEPT FOR SUBSECTION (B) OF THIS SECTION, a person 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, as defined in § 8-1802 of this article.~~

~~(B) A PERSON MAY CATCH HARD-SHELL CLAMS BY HYDRAULIC CLAM DREDGE IN THE ATLANTIC COASTAL BAYS IN ACCORDANCE WITH § 4-1021.1 OF THIS SUBTITLE.~~

1 ~~4-1021.1.~~

2 ~~(A) [A] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A person~~  
3 ~~may not catch hard shell clams by hydraulic clam dredge or other mechanical means in~~  
4 ~~the Atlantic Coastal Bays, as defined in § 8-1802 of this article.~~

5 ~~(B) (1) A PERSON MAY CATCH HARD SHELL CLAMS BY HYDRAULIC CLAM~~  
6 ~~DREDGE IN THE ATLANTIC COASTAL BAYS BETWEEN THE VERRAZANO BRIDGE AND~~  
7 ~~THE MARYLAND-VIRGINIA STATE LINE IN ACCORDANCE WITH THIS SUBSECTION.~~

8 ~~(2) A PERSON WHO CATCHES HARD SHELL CLAMS UNDER THIS~~  
9 ~~SUBSECTION MAY NOT USE A HYDRAULIC CLAM DREDGE THAT HAS A TOOTH BAR~~  
10 ~~THAT EXCEEDS 28 INCHES IN LENGTH MEASURING FROM THE OUTSIDE EDGES.~~

11 ~~(3) NO MORE THAN TWO LICENSEES PER VESSEL MAY CATCH~~  
12 ~~HARD SHELL CLAMS UNDER THIS SUBSECTION, ONE OF WHOM SHALL BE THE~~  
13 ~~OWNER AND OPERATOR OF THE VESSEL.~~

14 ~~(4) THE DAILY CATCH LIMIT FOR HARD SHELL CLAMS UNDER THIS~~  
15 ~~SUBSECTION IS:~~

16 ~~(I) 4,000 PER LICENSEE; AND~~

17 ~~(II) 8,000 PER VESSEL.~~

18 ~~(5) THE SEASON FOR CATCHING HARD SHELL CLAMS UNDER THIS~~  
19 ~~SUBSECTION IS FROM NOVEMBER 1 THROUGH MARCH 31 OF THE FOLLOWING YEAR.~~

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 ~~October~~ June 1, 2016.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.