

**Department of Legislative Services**  
Maryland General Assembly  
2016 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

Senate Bill 964 (Senator Eckardt, *et al.*)  
Education, Health, and Environmental Affairs

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**Natural Resources - Oysters - County Oyster Committees**

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This bill repeals existing provisions governing the establishment and membership of oyster committees and establishes new provisions for five-member county oyster committees made up of licensed oyster harvesters elected by the active licensed oyster harvesters of each tidewater county. Each oyster committee must consult with the Department of Natural Resources (DNR) on the restoration, harvest, and management of oysters in the respective county. The bill also (1) authorizes DNR, at the request of an oyster committee and by public notice, to open or close a natural oyster bar and to designate or limit the gear types and periods during which a given gear type may be used in the waters of the respective oyster committee's county and (2) alters specified reporting requirements. DNR may adopt implementing regulations for specified provisions.

The bill takes effect July 1, 2016.

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**Fiscal Summary**

**State Effect:** The bill's changes can be handled within existing budgeted resources.

**Local Effect:** There is no material fiscal impact on local governments.

**Small Business Effect:** Minimal.

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## Analysis

### **Bill Summary:**

#### *Committee Membership*

The bill establishes provisions regarding the five members of each county oyster committee that relate to gear type. The bill establishes alternative provisions regarding membership that apply if there are insufficient oyster harvesters of the various gear types or an insufficient number of licensed oyster harvesters in a county.

DNR must establish a process for electing oyster committee members. DNR may authorize an oyster committee to use direct mail or email to notify active licensed oyster harvesters about an upcoming election or the election process and to hold an election and solicit votes.

The term of a committee member is four years. If a member is unable to complete a term, a successor must be elected for the remainder of that term at a public meeting.

#### *Reporting Requirements*

DNR's Fisheries Service must provide each county oyster committee with a report, by February 28 of each year, that provides information about (1) the total amount of the oyster surcharges and taxes collected in each county during the previous year and (2) statewide revenues, grants, expenditures, and activities associated with the restoration and management of the oyster population in the Chesapeake Bay, broken down by county as appropriate. DNR must also make the annual report available to the public.

### **Current Law/Background:**

#### *County Oyster Committees*

DNR must have licensed oystermen in each tidewater county of the State select a county committee of five representative licensed tongers, who earn their livelihood catching oysters, to confer with DNR concerning oyster propagation conducted by the department in each county. A similar committee that includes licensed dredgers must be selected to confer with DNR concerning the propagation of oysters in the dredging areas. DNR must also appoint a five-member committee of licensed oystermen who earn their livelihood catching oysters by using diving apparatus and a five-member committee of licensed oystermen who earn their livelihood catching oysters by using patent tongs. Each committee must select a chairman to serve on a statewide committee of oystermen to advise DNR on statewide issues concerning oyster propagation. The term of a member is four years, and DNR must prescribe by rule and regulation the time, place, and manner of

selection of the oyster committees. DNR must submit an annual summary of the Fisheries Research and Development Fund to the county oyster committees.

DNR indicates that county oyster committees currently serve as advisory bodies that advise the department on oyster-related issues. Oyster surcharge and tax revenue is used for oyster repletion activities based on recommendations of the county oyster committees, subject to DNR's approval.

### *Fishery Management*

DNR manages the public oyster fishery through various means, including zoning of public shellfish fishery areas to allow for specific oyster harvest gear to be used in specific areas based on the ability of areas to withstand harvest pressure. DNR is authorized to close without holding a public hearing any natural oyster bar in the waters of the State with the approval of the appropriate county oyster committee.

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## **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Baltimore, Dorchester, Kent, and Queen Anne's counties; Department of Natural Resources; Department of Legislative Services

**Fiscal Note History:** First Reader - March 3, 2016  
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