

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 758

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

Environment and Transportation

Education, Health, and Environmental Affairs

Natural Resources - County Oyster Committees

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 licensed oyster harvesters of each tidewater county. Each county oyster committee must consult with the Department of Natural Resources (DNR) on matters concerning oyster management, harvest, and restoration in the respective county waters. The bill also (1) authorizes DNR, at the request of a county oyster committee, to open or close a natural oyster bar that meets specified criteria and to designate by public notice the gear types, hours, and days allowed for harvest on a natural oyster bar and (2) alters specified reporting requirements. DNR must adopt implementing regulations.

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.

Analysis

Bill Summary:

Committee Membership

Each gear type that exists in the county and that harvested during the harvest season preceding an election of the committee must be represented by a member on the committee. 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.

The regulations adopted by DNR pursuant to the bill must establish an election process for county oyster committees, including provisions authorizing notice and voting by mail or electronically as well as a public meeting process for filling a vacancy.

The term of a committee member is four years. If there is a vacancy on a committee, a replacement must be elected by the public meeting process established by DNR by regulation.

Oyster Harvesting and Related Reporting Requirements

At the request of an appropriate county oyster committee, DNR is authorized to (1) open or close any natural oyster bar in the county waters of that committee that is not located within or designated as an oyster sanctuary and (2) designate by public notice the gear types, hours, and days allowed for harvest on any natural oyster bar.

DNR 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 calendar year and (2) statewide revenues, expenditures, and activities undertaken for the restoration and management of the oyster population in the Chesapeake Bay, broken down by county where feasible. DNR must also publish the statewide report on its website.

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.

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

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