

Department of Legislative Services
 Maryland General Assembly
 2025 Session

FISCAL AND POLICY NOTE
 First Reader

House Bill 1263 (Delegate Adams, *et al.*)
 Environment and Transportation

Natural Resources - Public Clam Fishery Area - Establishment

This bill requires the Department of Natural Resources (DNR), in consultation with the Tidal Fisheries Advisory Commission, to identify by regulation the public clam fishery area in the Chesapeake Bay based on (1) commercial harvesting activity during the three years preceding June 1, 2025; (2) any surveys conducted by the department; and (3) other quantitative data known or made available to the department. The public clam fishery area may not be leased for shellfish aquaculture. A tidal fish license holder may catch clams in areas located outside the public clam fishery area unless prohibited by law. **The bill takes effect June 1, 2025.**

Fiscal Summary

State Effect: No effect is assumed in FY 2025. General fund expenditures increase by \$144,300 in FY 2026. Future years reflect ongoing costs and inflation. Revenues are not directly affected.

(in dollars)	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	144,300	135,400	139,800	144,300	148,800
Net Effect	(\$144,300)	(\$135,400)	(\$139,800)	(\$144,300)	(\$148,800)

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: None.

Small Business Effect: Potential meaningful.

Analysis

Current Law:

Public Shellfish Fishery Area

DNR, in consultation with the Oyster Advisory Commission, must identify by regulation the public shellfish fishery area in the Chesapeake Bay based on (1) commercial harvesting activity during the three years preceding June 1, 2009; (2) any surveys conducted by the department; and (3) other quantitative data known or made available to the department. The public shellfish fishery area may not be leased for shellfish aquaculture.

DNR regulations incorporate by reference [Public Shellfish Fishery Areas of the Chesapeake Bay and Its Tidal Tributaries \(June 2023\)](#), which identifies, by coordinates, all public shellfish fishery areas in the Chesapeake Bay and its tidal tributaries and defines a public shellfish fishery area as an area of State waters which includes natural oyster bars and is reserved for commercial harvest of oysters.

Clam Harvesting

DNR regulations require a tidal fish licensee to declare an intent to harvest clams in order to participate in the clam season and to declare separately for each of the following species:

- soft-shell clams: *mya arenaria* and razor clams; and
- hard-shell clams.

DNR must provide to each individual declaring an intent to harvest clams a [publication](#) designating areas closed to harvest.

Clam harvesting is prohibited in certain areas, including areas not approved for shellfish harvest by the Maryland Department of the Environment and areas within 150 feet of (1) a natural oyster bar; (2) a leased area (aquaculture); (3) a public shellfish fishery area; or (4) an oyster sanctuary (though harvesting soft-shell clams is allowed in one sanctuary in the Chester River).

Tidal Fish License

Apart from commercial licenses to fish for Chesapeake Channa and blue and flathead catfish, DNR uses a single, commercial license, known as a tidal fish license, which authorizes a licensee to engage in each activity indicated on the license. The department may issue authorizations for activities listed in statute – which include harvesting clams for sale – for which the indicated fee has been paid.

State Expenditures: General fund expenditures increase by \$144,298 in fiscal 2026, which accounts for a 30-day start-up delay from the bill’s June 1, 2025 effective date. This estimate reflects:

- the cost for DNR to hire one natural resources biologist to absorb a portion of existing staff’s work over the course of each year to allow existing staff and the hired natural resources biologist to each devote a certain amount of time each year to conduct survey work over the course of approximately three months to identify the public clam fishery area; and
- boat fuel and maintenance costs associated with a bottom survey.

The estimate includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses. It assumes that:

- accurately identifying the public clam fishery area requires both a bottom survey and a survey of clam harvesters; and
- while the bill does not expressly require ongoing surveys, the surveys are conducted annually to accurately identify the public clam fishery area (which DNR indicates shifts over time) on an ongoing basis.

Position	1.0
Salary and Fringe Benefits	\$88,653
Boat Fuel and Maintenance	48,000
Operating Expenses	<u>7,645</u>
Total FY 2026 State Expenditures	\$144,298

Future year expenditures reflect a salary with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

Small Business Effect: The bill may have a meaningful positive impact on small business clam harvesters and a meaningful negative impact on small businesses in the aquaculture industry by reserving areas for clam harvesting that cannot be leased for aquaculture.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 841 (Senator Mautz) - Education, Energy, and the Environment.

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

Fiscal Note History: First Reader - March 2, 2025
js/lgc

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