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House Environment and Transportation Committee

Testimony in **OPPOSITION** to **House Bill 1306**

Natural Resources – SAV Protection Zones and Hydraulic Clam Dredges
(Aquatic Habitat Protection Act)

Wednesday, March 4, 2020

Delmarva Fisheries Association (DFA) and the Maryland Clammers Association urge an **unfavorable** report on House Bill 1306, which arbitrarily triples the size of SAV (submerged aquatic vegetation) protection zones as delineated by the Department of Natural Resources (DNR) and unjustifiably targets Maryland licensed commercial clammers and the clam fishery for more regulations in the name of SAV protection. Current SAV protection zones are working. Further regulating the Maryland clam fishery will have adverse ripple effects throughout Maryland's seafood industry – especially the blue crab and eel fisheries that depend on local razor clams for affordable bait. There is no new science (peer-reviewed report or study) that says the legal harvesting of clams in Maryland by licensed commercial watermen is the number one threat to SAV, or even a threat at all. Clammers are not the culprits. **Watermen love SAV!**

There is no dispute that SAV provides important habitat and other eco-system benefits and should be protected; however, there is no science or evidence to support increasing SAV buffer zones related to wild commercial clamming from fifty (50) to (150) feet. In fact, a review of actual SAV growth inside the current 50-foot buffer zone for clamming areas from 2014 to 2017 (copy attached) clearly shows growth in SAV zones where commercial clamming was legally taking place outside the established buffer. So, there is no study, report or evidence saying that clamming outside the existing 50 ft. buffer zone is harmful to SAV growth within protection zones and no justification to limit the use of hydraulic clam dredges as otherwise permitted. SAV are more threatened by residential lawn fertilizer runoff.

The accuracy of SAV area mapping by various agencies is also a concern. Record rainfall in 2018 caused high turbidity in the water and prevented a complete Baywide SAV survey by the Virginia Institute of Marine Sciences (VIMS), which data DNR uses to update SAV protection zones. Per legislative mandate, DNR is currently accepting public comments (until March 2) for revisions to SAV protection zones.

With all current regulations and practical limitations considered (i.e., water depth, type of bottom), clamming is allowed in less than 3% of the Chesapeake Bay. HB 1306 will further reduce the very limited areas in which commercial clamming is permitted, while providing no protection whatsoever to SAV from actual proven stressors like runoff from fertilized waterfront lawns, Susquehanna River sedimentation exacerbated by the Conowingo Dam factor, overabundance of skates and other species destructive to SAV, marina and channel maintenance.

In January 2020, DFA released a report **Economic Impacts – Chesapeake Bay Clam Fishery** (copy attached) - the first of its kind to be available to Maryland policy makers and regulators to consider when making decisions impacting the clam fishery. As the report indicates, from 2013-2019 the Maryland razor clam market (dependent on the crab market) had a value of roughly \$15.2 million based on average harvest data from DNR, and from 2015-2018 the Maryland softshell clam market had a value of roughly \$5 million based on average harvest data from DNR (2018-19 excluded due to heavy freshet).

Any impact on the clamming fishery will have a direct and significant adverse impact on Maryland's blue crab industry. More expensive and less dependable bait for commercial crabbers will mean fewer and/or more expensive crabs for consumers.

For a basic understanding of the clam fishery and clam dredging in Chesapeake Bay, we recommend to all members of the Committee the informational YouTube video by Jay Flemming and narrated by Jason Ruth (Harris Seafood Company) at this [LINK](https://youtu.be/nx9BjxxIqpk) (*The Chesapeake Bay Clam Fishery* - <https://youtu.be/nx9BjxxIqpk>).

For these reasons, DFA and Maryland Clammers Association urge an UNFAVORABLE report on HB 1306.

Attachments: SAV Growth in 50 ft. Buffers 2014-2017 per VIMS
Economic Impacts – Chesapeake Bay Clam Fishery per DFA (January 2020)

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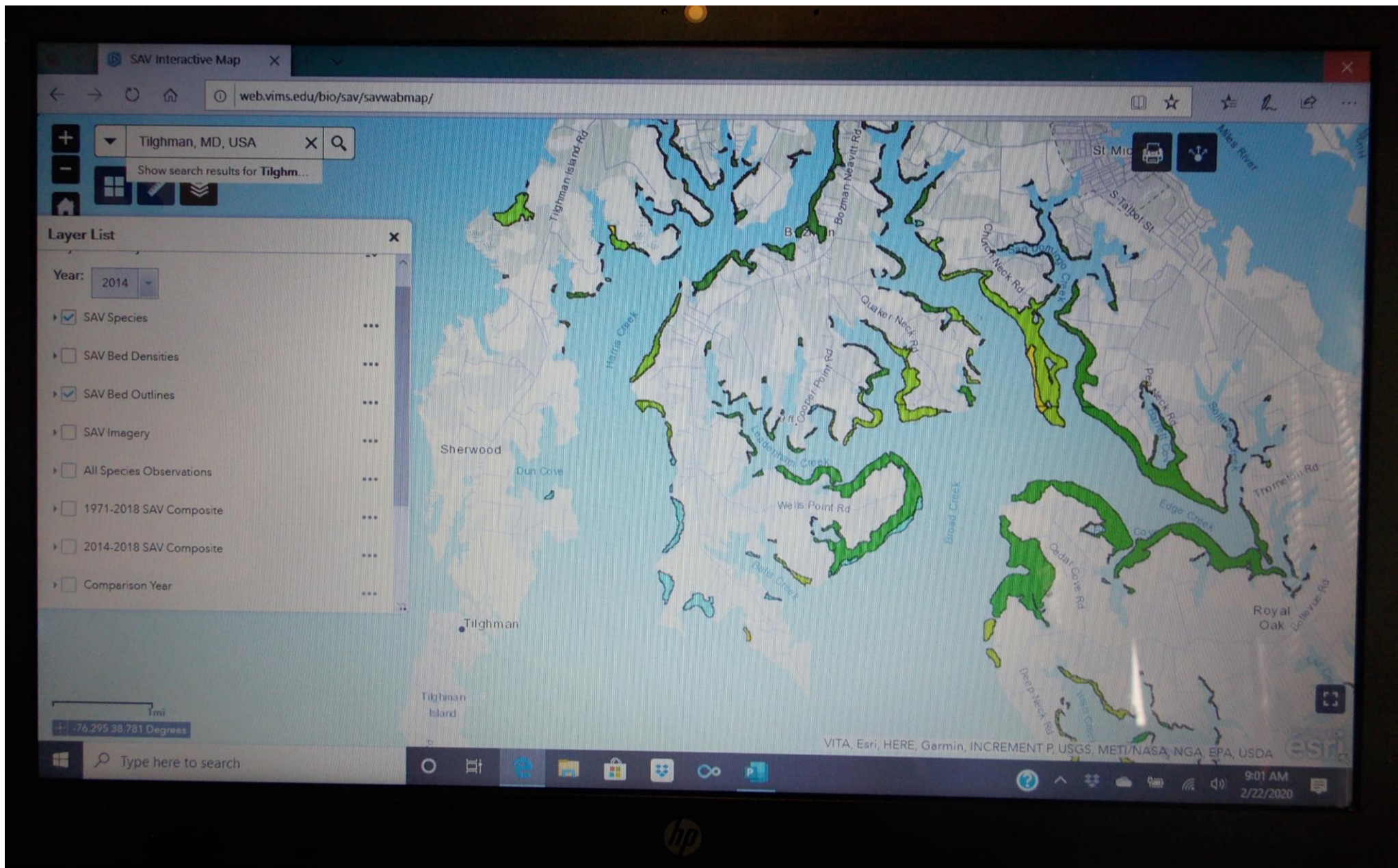
SAV Growth inside 50' Buffer Zone for Clamming Areas from 2014-2017

Source: <http://web.vims.edu/bio/sav/maps.html>

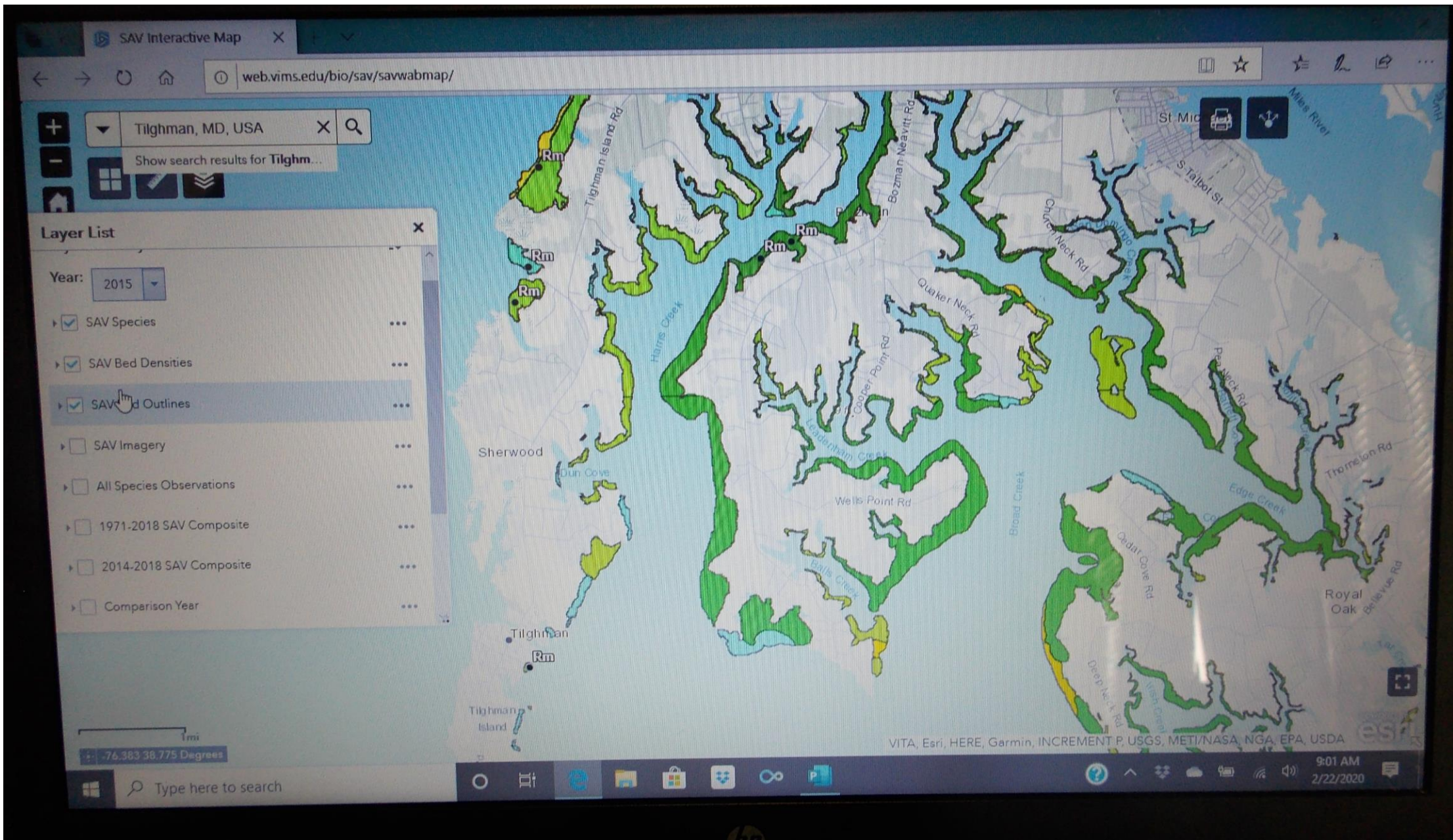
Clamming Outside 50' Buffer Zone Does NOT Inhibit The Growth of SAVs.

All Watermen agree SAVs are essential to the health of the Bay. The following pictures from VIMS website show the growth of SAVS from 2014-2017 (2018 map was unclear due to heavy rainfall). The steady growth occurred with active clamming outside the 50' buffer zone and 3-year review regulation set by DNR.

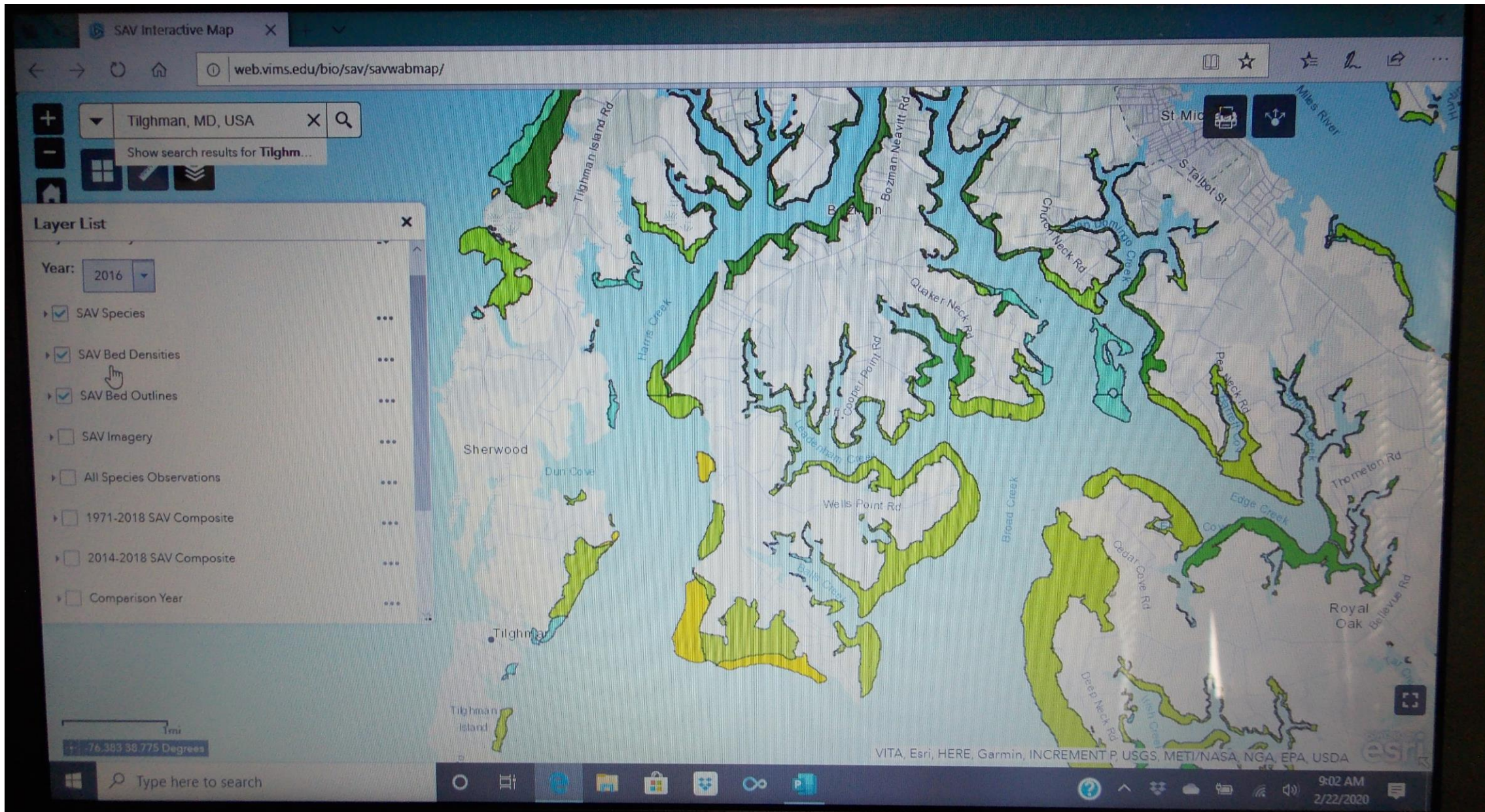
So where is the proof that clamming is harmful to SAV growth?



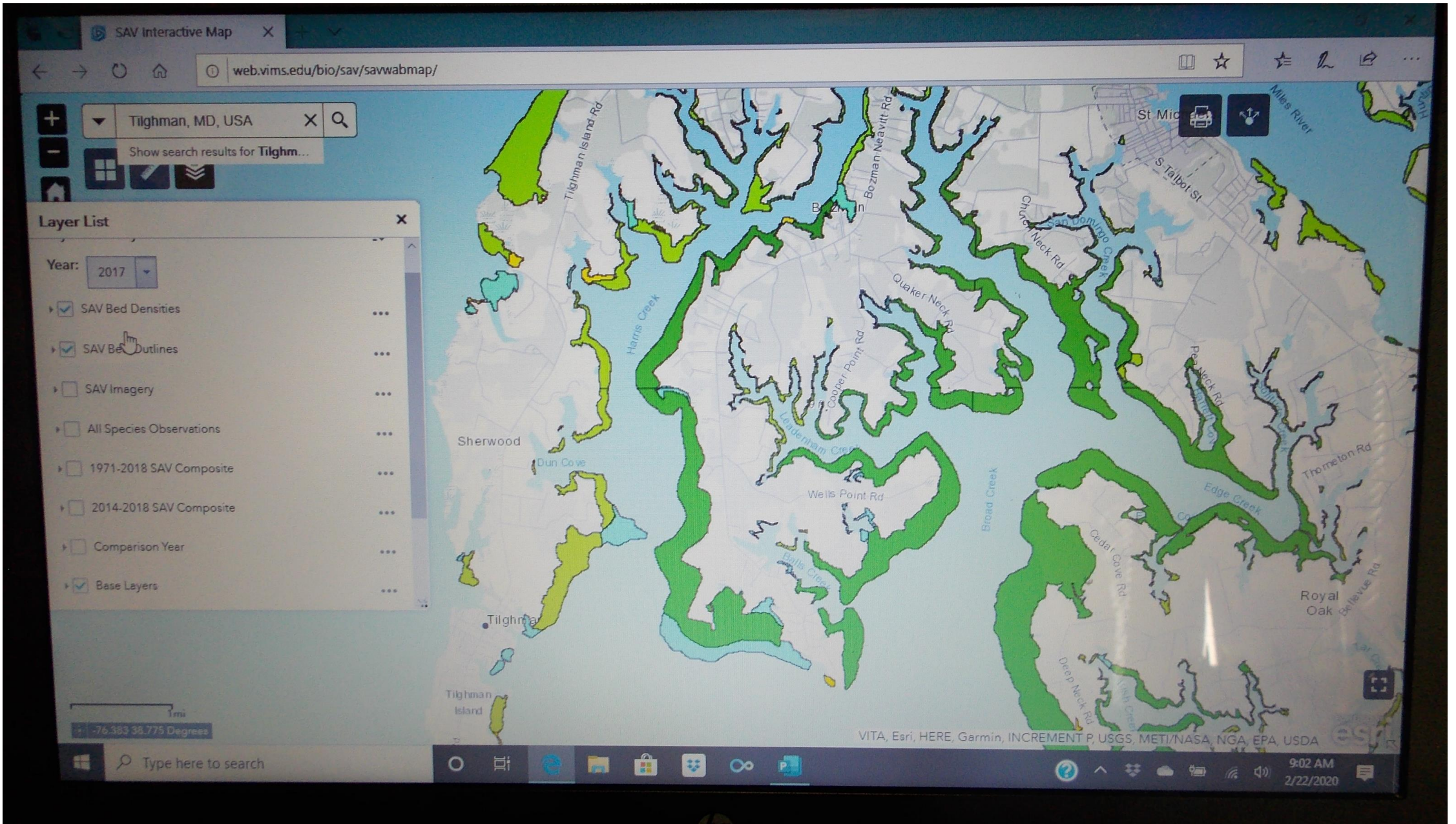
Harris Creek 2014



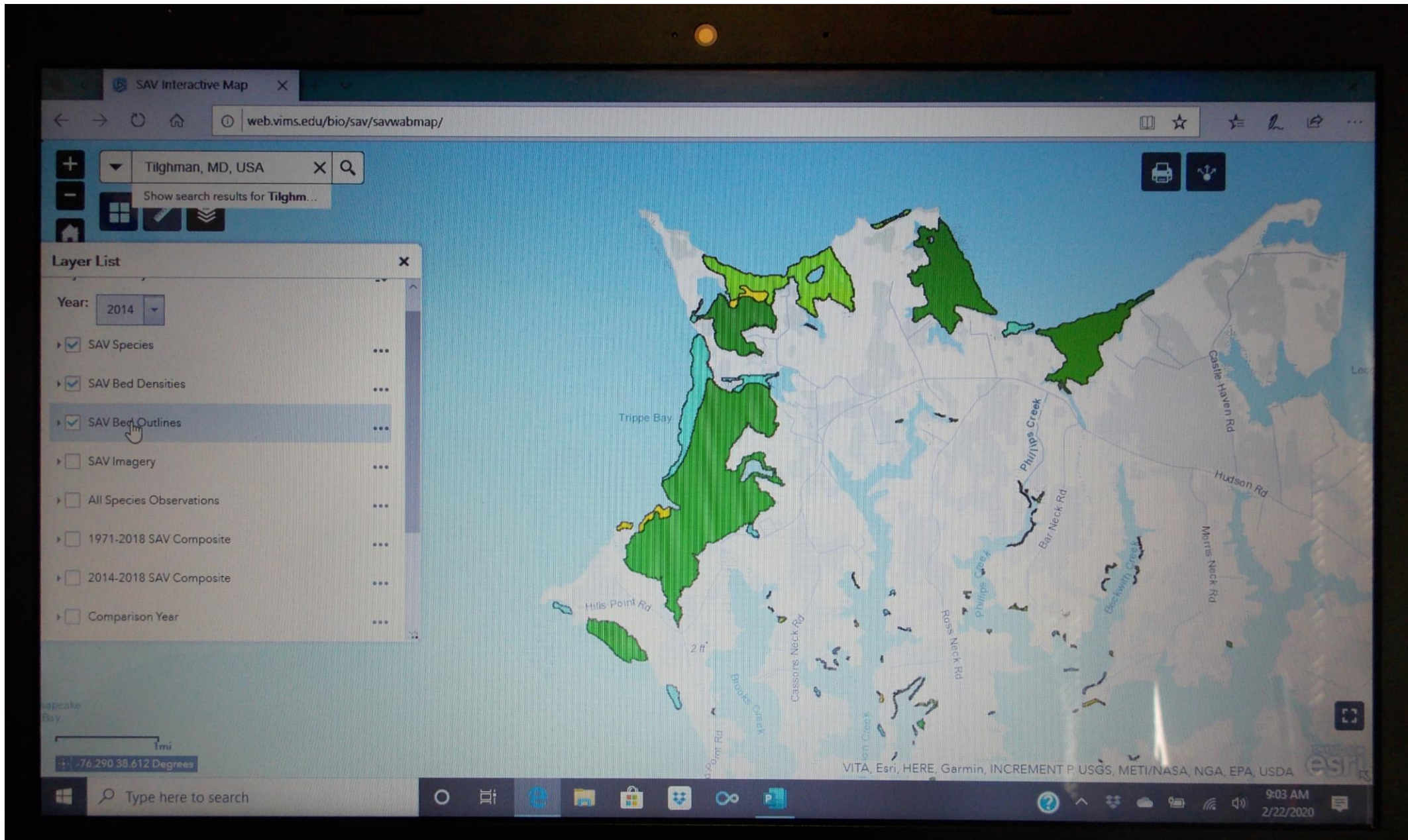
Harris Creek 2015



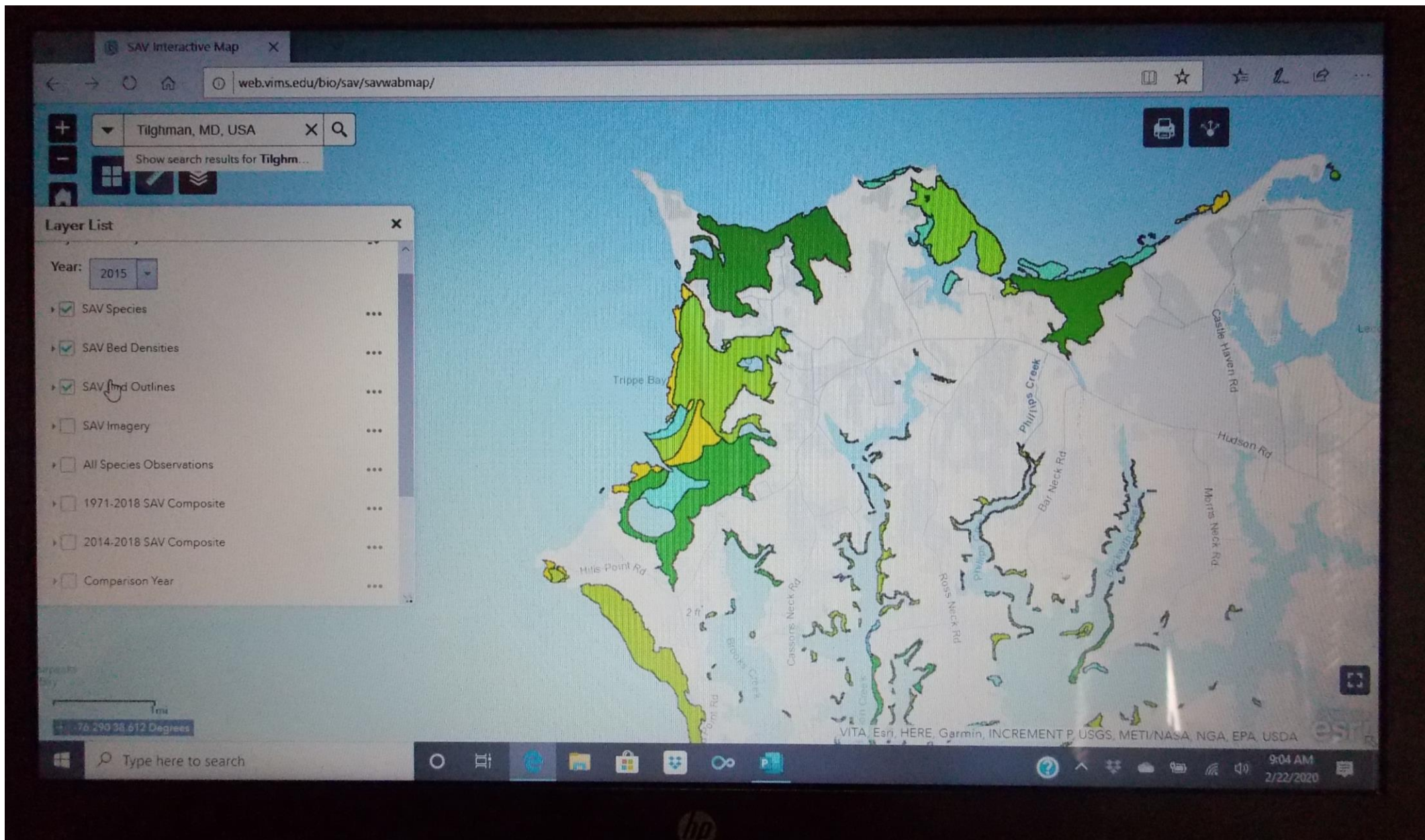
Harris Creek 2016



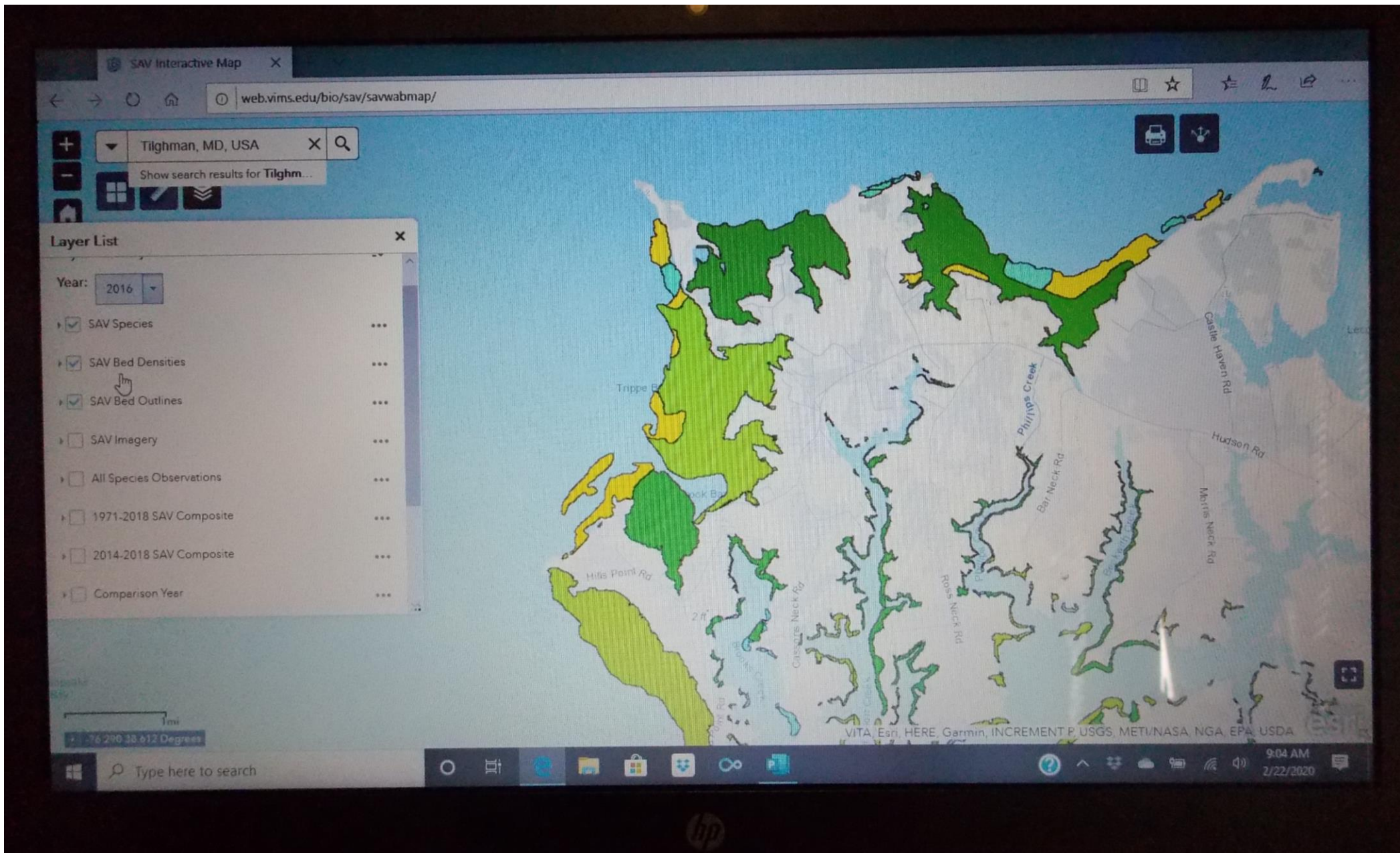
Harris Creek 2017



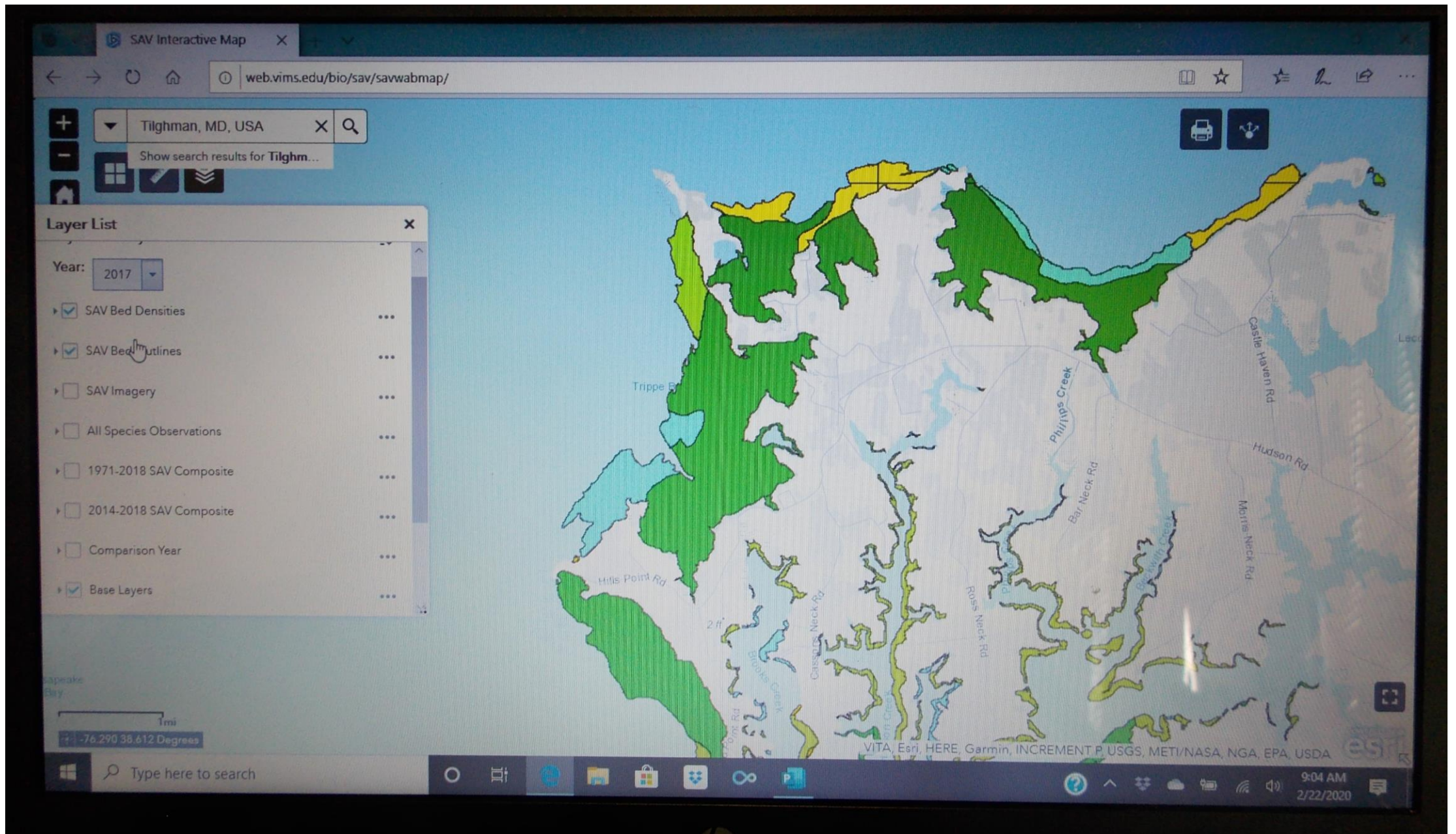
Cooks Point 2014



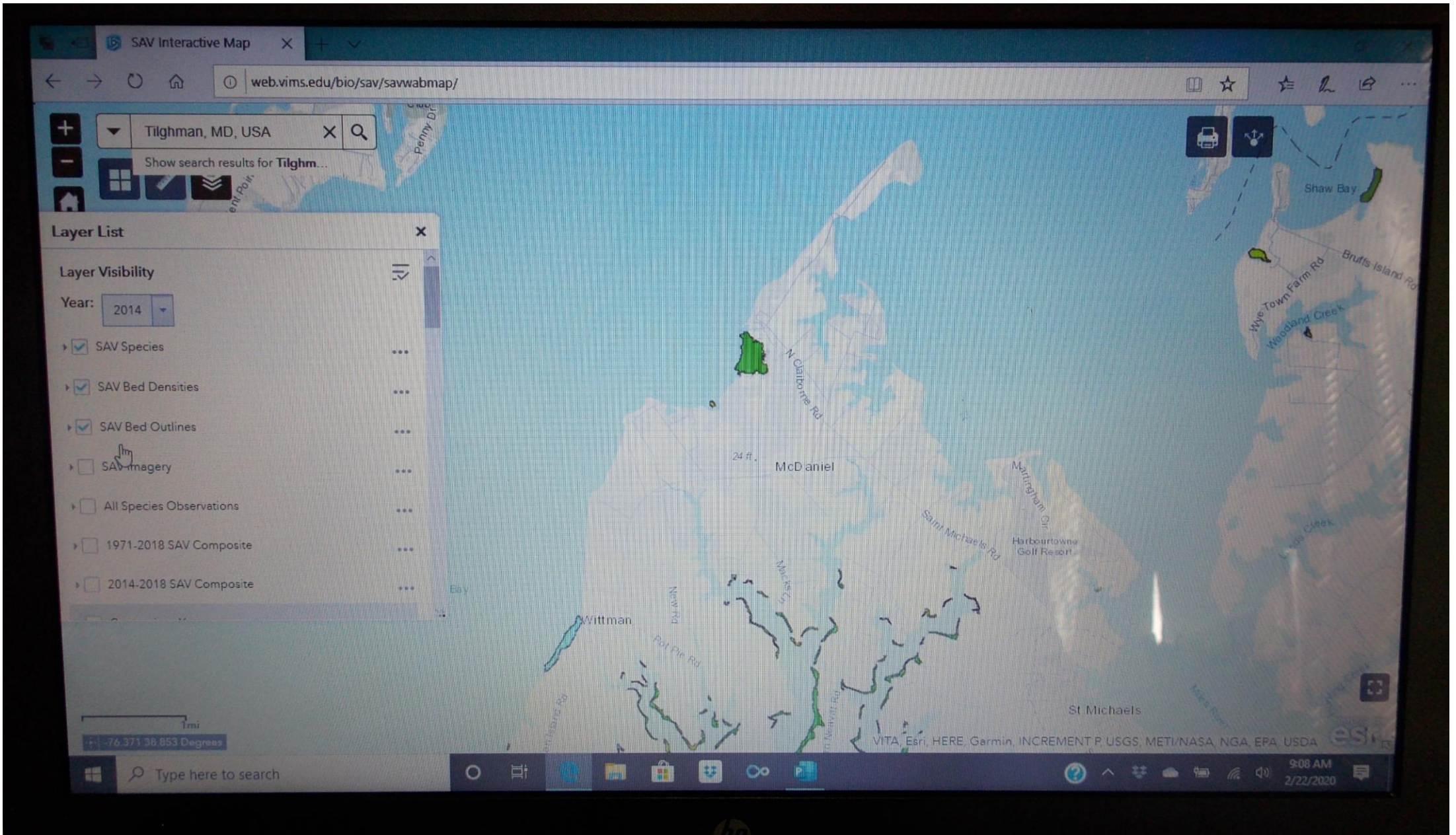
Cooks Point 2015



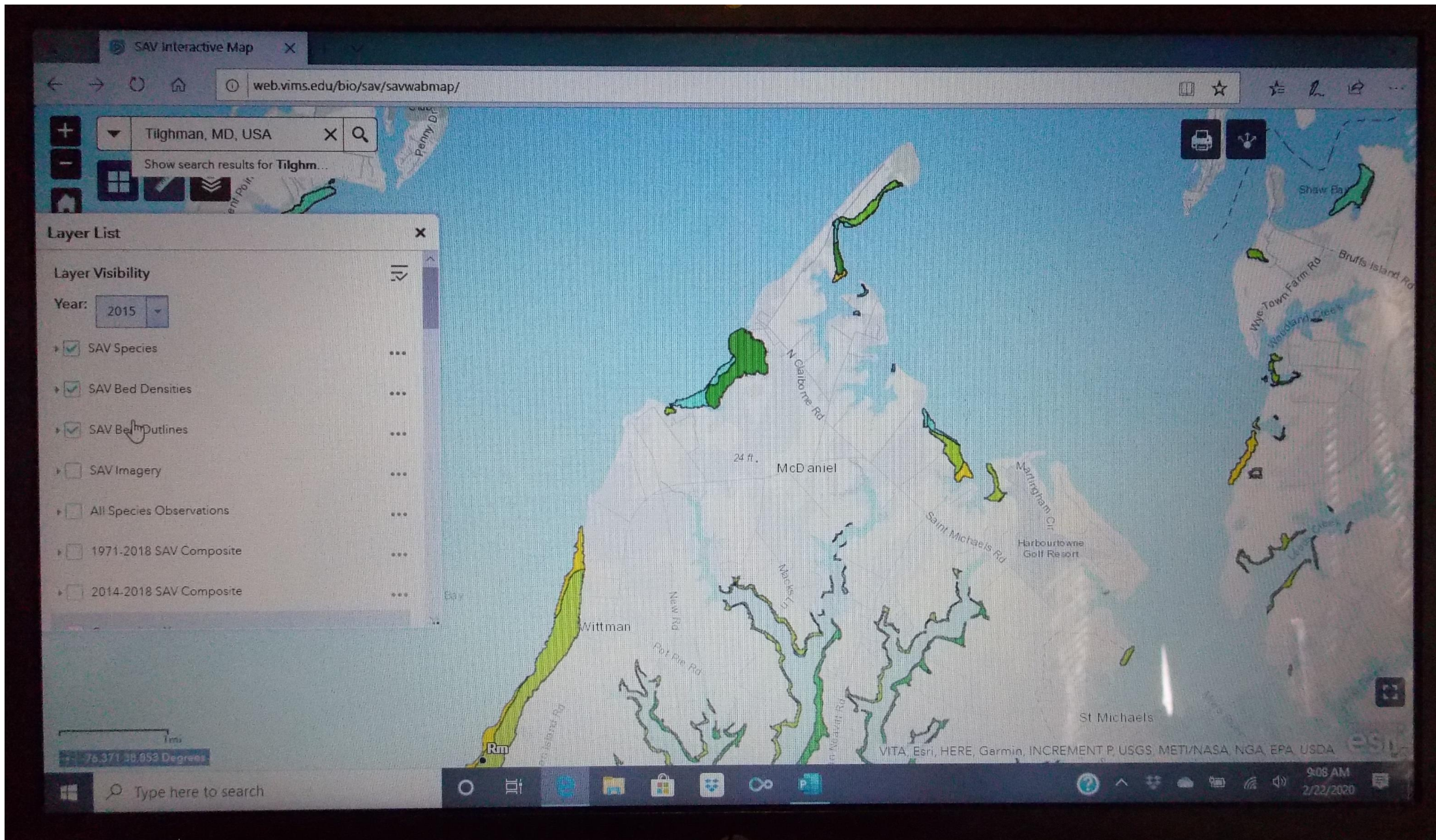
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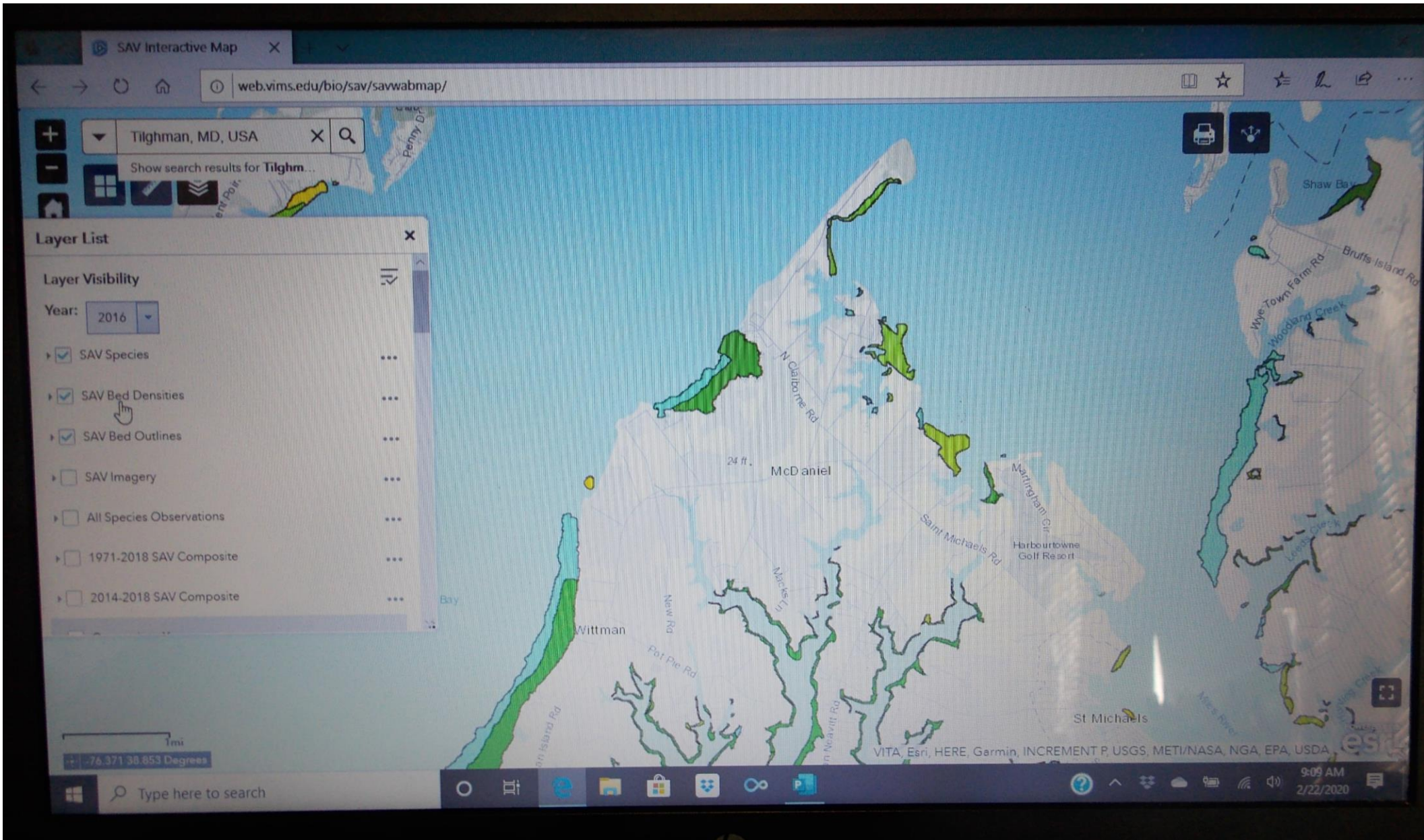
Cooks Point 2017



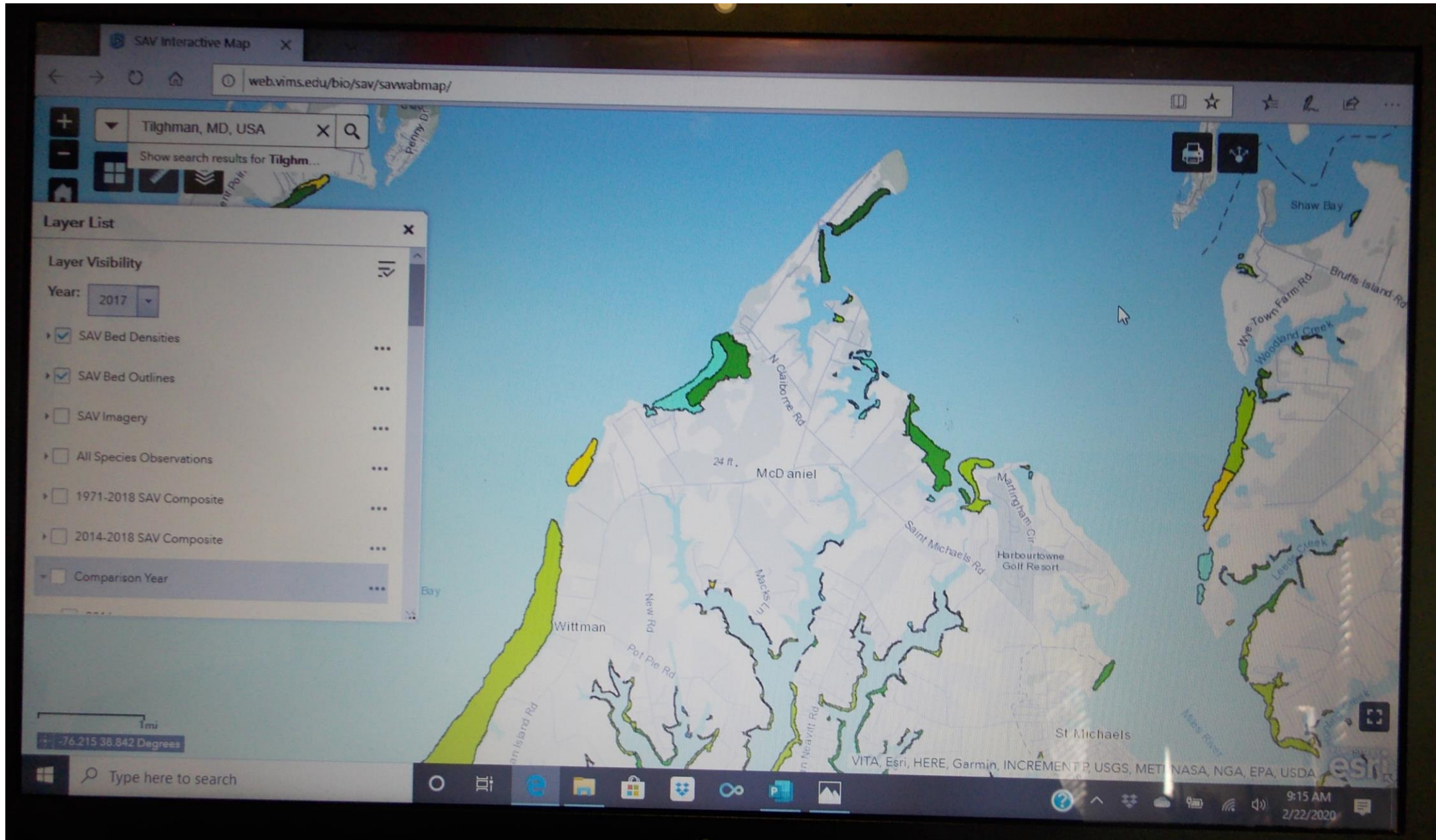
Tilghmans Point 2014



Tilghmans Point 2015



Tilghmans Point 2016



Tilghmans Point 2017

The Truth Be Told..

- Clamming is allowed in only 1.8% of the Chesapeake Bay
- 50' Buffer Zone does no harm to SAV Areas and may even help facilitate their growth
- Clam Studies by DNR have proved a 50' Buffer Zone protected SAV Areas
- There is no study to support a 150' Buffer Zone requested by ShoreRivers
- Any impact in Clam Industry will have a direct and significant decrease on Maryland's Crab Industry. Less crabs harvested will result in higher prices for crabs to Marylanders



DELMARVA FISHERIES ASSOCIATION, INC.



Economic Impacts – Chesapeake Bay Clam Fishery

This preliminary report is the first known attempt to analyze the fiscal impact of the Chesapeake Bay clam fishery on Maryland’s economy applying harvest data only recently started to be officially kept by the Maryland Department of Natural Resources (“DNR”). The importance of such an undertaking is paramount in light of proposed legislation potentially to be introduced in Maryland’s 2020 legislative session to place a moratorium on commercial clamming using hydraulic dredging conveyor rigs in the Chesapeake Bay. The negative ripple effect and fiscal impact to Maryland’s economy and to the livelihoods of watermen who work the clam, crab, and eel fisheries would be significant, and would undoubtedly inflict collateral damage to other far-ranging segments of Maryland’s economy from seafood restaurants to marine suppliers. The effects of such misguided and unwarranted legislation on Maryland’s crab and eel fisheries and other segments of the economy are beyond the scope of this report, but are the subject of a broader fiscal impact study to be undertaken by Delmarva Fisheries Association, Inc. in the near future.

Stout Razor Clams vs. Softshell Clams

There are two species of clams at issue with respect to the prospective clamming moratorium legislation – stout razor clams and softshell clams. Additionally, the crab and eel fisheries are closely interconnected to the razor clam fishery. Stout razor clams (*Tagelus plebeius*), are almost exclusively used for crab and eel bait and serve as those industries’ primary and relatively inexpensive and efficient source of bait compared to higher-cost alternatives. Softshell clams (*Mya Arenaria*) are primarily harvested for human consumption.



Stout Razor Clams (Photo Credit: Md. DNR)



Softshell Clams (Photo Credit: Md. DNR)



Stout Razor Clam Economic Facts

- 100% commercial market is for bait, primarily for crabs (approx. 90%) and the remainder for eels (approx. 10%). Largely unsuitable for human consumption.
- THE RAZOR CLAM MARKET IS WHOLLY DEPENDENT ON THE CRAB MARKET. ADDITIONALLY, THE CRAB AND EEL MARKETS ARE RELIANT ON THE ACCESSIBILITY OF STOUT RAZOR CLAMS BECAUSE THEY ARE EXCELLENT BAIT AND COST EFFECTIVE.

2017-2018 Harvest Data Reported to DNR

# of Harvested Bushels Reported:	90,029
# of Units Not Recorded by DNR	684 ¹
Average Price Per Bushel:	\$35.53
Number of Licenses Reporting:	42 (constitutes 70% avg. monthly reporting rate)
Total Value of Reported Harvest:	\$3,198,730.03

2018-2019 Harvest Data Reported to DNR

# of Harvested Bushels Reported:	71,545
# of Units Not Recorded by DNR	992
Average Price Per Bushel:	\$39.04
Number of Licenses Reporting:	35 (constitutes 57% avg. monthly reporting rate)
Total Value of Reported Harvest:	\$2,793,116.80

2013-2019 Average Harvest Data Reported to DNR

Avg. # of Harvested Bushels Reported:	65,917 (over six years) ²
Average Price Per Bushel:	\$39.11
Average Value of Reported Harvest:	\$2,578,013.80 (per annum over six years)
Total Value of Reported Harvest:	\$15,297,569.00 (over six years)

Source: Maryland Dept. of Natural Resources, Razor Clam Monthly Harvester Reports as of 1/10/2020

¹ Some harvesters do not indicate the unit of harvest they are reporting. Accordingly, for purposes of this report, only those units reported as bushels harvested are used in the values of the harvests identified herein.

² 395,505 total reported bushels over past six years.



Softshell Clam Economic Facts

- 100% commercial market is for human consumption

2015-2016 Harvest Data Reported to DNR

# of Harvested Bushels Reported on Dealer Buy Tickets:	23,758
Average Price Per Bushel:	\$79.11
Total Value of Reported Harvest:	\$1,879,495.30

2016-2017 Harvest Data Reported to DNR

# of Harvested Bushels Reported on Dealer Buy Tickets:	24,770
Average Price Per Bushel:	\$71.04
Total Value of Reported Harvest:	\$1,759,660.80

2017-2018 Harvest Data Reported to DNR

# of Harvested Bushels Reported on Dealer Buy Tickets:	19,864
Average Price Per Bushel:	\$69.57
Total Value of Reported Harvest:	\$1,381,938.40

2018-2019 Harvest Data Reported to DNR³

# of Harvested Bushels Reported on Dealer Buy Tickets:	2,316
Average Price Per Bushel:	\$64.49
Total Value of Reported Harvest:	\$149,358.84

2015-2018 Average Harvest Data Reported to DNR (2018-2019 excluded)

Avg. # of Harvested Bushels Reported on Dealer Buy Tickets:	22,797 (over three years) ⁴
Average Price Per Bushel:	\$73.24
Average Value of Reported Harvest:	\$1,673,698.10 (per annum over three years)
Total Value of Reported Harvest:	\$5,021,094.50 (over three years)

Source: Maryland Department of Natural Resources, Soft Clam Monthly Harvester Reports and Dealer Buy Tickets as of 1/10/2020

³ Heavy rain which deluged much of the softshell clams' brackish habitat with fresh water was the cause for an abysmal harvest and will hopefully prove to be an anomaly.

⁴ 68,392 total reported bushels over three years.