



CHESAPEAKE BAY FOUNDATION

Environmental Protection and Restoration
Environmental Education

House Bill 145

Unlawful Taking of Oysters From Submerged Land Leases,
Aquaculture Leases, and Water Column Leases – Penalties

Date: January 20, 2021

Position: Support

To: House Environment and Transportation Committee

Contact: Dr. Allison Colden; acolden@cbf.org

Chesapeake Bay Foundation (CBF) **SUPPORTS** HB 145 which would impose stricter penalties for those who knowingly remove oysters from a marked, submerged land lease or water column lease. This legislation could help protect the oyster industry and the Chesapeake Bay.

Implementation of Current Law is an Insufficient Deterrent to Theft

Under current law, NR §4-1201 prohibits the taking of oysters from leased oyster bottom, an oyster sanctuary, an oyster reserve or other areas closed to harvest if the individual “should have known” that such taking was unlawful. Although the maximum penalty for a violation under NR §4-1201 is a \$3,000 fine, an analysis of citations from 1959-2010 indicated that the average fine levied by the courts for illegal harvest was \$179.ⁱ

Under this legislation, a person guilty of oyster theft would be required to forfeit all commercial fishing licenses until completion of a commercial fishery laws source and pay a penalty of between \$2,000 and \$3,000. On second offense, the accused may be charged with felony theft under Maryland’s criminal code.

Oyster theft harms the commercial oyster industry and the Bay

Oyster theft results in direct economic consequences for members of the commercial oyster industry as well as significant environmental impacts to the Chesapeake Bay. According to a new study by Virginia Tech, in 2018, the aquaculture industry contributed nearly \$8.1 million to the state economy and supported hundreds of jobs. The oyster is also a prolific filter feeder and a healthy adult oyster can filter up to 50 gallons of water daily, consuming the phytoplankton that grows on excess nutrients in the Bay. Therefore, oyster theft from marked aquaculture leases shows a blatant disregard for the law and the environment and infringes on the livelihood of oyster growers.

These strict poaching penalties are imperative for ensuring the future of Maryland’s aquaculture industry and Chesapeake Bay oyster restoration. HB 145 will set an example that oyster poaching in Maryland will not be tolerated and strict consequences will be enforced to those who disregard the law.

CBF urges the Committee’s FAVORABLE report on HB 145.

ⁱ Bashore, C.J., et al. 2012. Analysis of marine police citations and judicial decisions for illegal harvesting of Eastern oysters (*Crassostrea virginica*, Gmelin 1791) in the Maryland portion of the Chesapeake Bay, United States from 1959-2010. *Journal of Shellfish Research* 31(3): 591-598.

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The Chesapeake Bay Foundation (CBF) is a non-profit environmental education and advocacy organization dedicated to the restoration and protection of the Chesapeake Bay. With over 300,000 members and e-subscribers, including over 109,000 in Maryland alone, CBF works to educate the public and to protect the interest of the Chesapeake and its resources.