

Oyster Poaching: Facts and Figures

How extensive is oyster poaching in Maryland waters?

The Chesapeake Bay Foundation researched Maryland poaching violations going back five oyster harvest seasons. We also analyzed the records of individual watermen cited and/or prosecuted. The findings show:

FACT: Natural Resources Police issued more than 80 citations since 2014 just for poaching on oyster sanctuaries, representing a small subset of poaching violations.

These are poachers caught. At least 11 violations occurred in Choptank River sanctuaries where there have been extensive public investments to restore oysters. No one knows how many poachers weren't caught.

FACT: Even though state laws and regulations have been strengthened, enforcement of those laws is uneven at best.

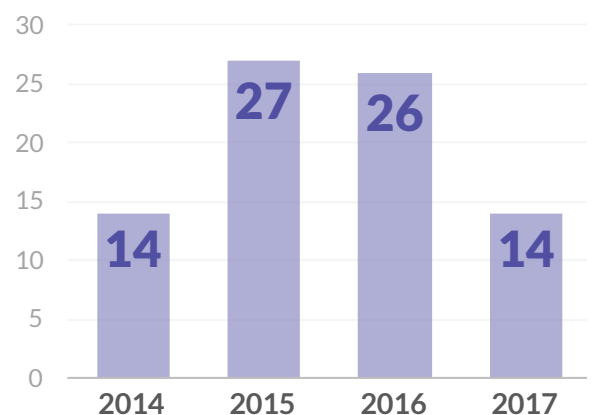
Prosecution varies from county to county. For instance, Talbot County dropped poaching charges only in five percent of cases, while Somerset County dropped charges about one-third of the time. District Courts also frequently assess fines on guilty offenders at a fraction of what state laws permit.

FACT: Poachers whose licenses have been revoked have lengthy histories of violations.

According to Maryland's Department of Natural Resources (DNR), very few individuals—about five per year—have their licenses revoked. An examination of the public record shows these are not individuals who made a single mistake. On average the individuals whose licenses were revoked had 18 DNR citations and half of them had more than 20 violations. These often include repeated offenses in the crab, striped bass, and clam fisheries as well as the oyster fishery. Some had hunting violations as well.

Citations for Poaching in Oyster Sanctuaries by Year

Regulation COMAR 08.02.04.15



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Citations by Sanctuary, January 2014– May 2018

Regulation COMAR 08.02.04.15

Oyster Restoration Tributaries

Manokin	13
Harris Creek	8
Tred Avon	2
St. Mary's	2
Little Choptank	1

Other Oyster Sanctuaries

Howell Point	24
Somerset (Tangier Sound)	13
Nanticoke	7
Choptank	4
Kitts Creek	2
Marumsc	2
Patuxent	1

TOTAL **83**



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Tall Tales from the Water

A Dames Quarter man was cited by DNR 20 times during his career. Somerset District Court continued to levy fines below state allowances, as low as \$132, for repeated oyster poaching convictions over the years. Finally, after he was convicted for poaching more than 250 feet inside the Manokin River sanctuary on Nov. 11, 2017, the state took him to administrative court to revoke his license.

A Tilghman waterman was cited 34 times since 1997 by DNR marine police. In one oyster season alone, the man was caught and convicted twice for harvesting on the Howell Point Beacon sanctuary, and charged \$977 each time by Talbot District Court. The court declined to prosecute him for four other citations that season. The next season he was caught and convicted again for harvesting on the Howell Point sanctuary. Talbot fined him \$427. The state stepped in and revoked his oystering privileges in September 2016.

A Nanticoke man argued he inadvertently harvested in the Nanticoke River sanctuary because of swift currents and a sanctuary marker out of position. The administrative law judge noted the water was calm that day, the man had GPS onboard, and that the preponderance of the evidence showed he was more than 200 feet inside the sanctuary. The Nanticoke resident had 27 total DNR citations as a waterman, including multiple prior convictions for oyster poaching for which he was given probation, or given small or no fines.

The Wicomico County State's Attorney dropped charges after **a Parsonsburg man** was cited for harvesting oysters from the Nanticoke River sanctuary in June 2017, oystering out of season, and also stealing oysters from an oyster farm. The man has 15 total DNR citations since 2011, including other oystering violations. The state has neither suspended nor revoked his oystering privileges.

A Talbot County man was cited 33 times by DNR during his oystering career. Nevertheless, the District Court for Dorchester County fined him significantly below state law allowances when he pleaded guilty to poaching on the Choptank River sanctuary in March 2016. The state finally revoked his oystering privileges in August 2017, but the next oyster season he was caught oystering in the Potomac River, and exceeding the daily catch limit.

A Stevensville waterman received only one month suspension of his commercial fishing privileges despite 11 DNR citations since 2007, including a conviction for poaching oysters more than 250 feet inside the Tred Avon River sanctuary where millions of public dollars have been spent on restoration.

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