

Testimony before the
Senate Education, Energy, and Environment Committee
March 2, 2023

Senate Bill 637
Position: **OPPOSE**

Dear Chairman Feldman, Vice Chair Kagan, and Members of the Committee:

We, the undersigned organizations and individuals, respectfully request an unfavorable report from the Senate Education, Energy, and Environment Committee on Senate Bill 637. This bill would weaken penalties for oyster poaching and allow reinstatement of a revoked license after five years.

In its 2009 report, the Maryland Oyster Advisory Commission stated, “there is no single factor more important to the future of ecologic restoration and aquaculture than to address and dramatically reduce the ongoing illegal oyster harvesting activities.” Oyster poaching is a significant impediment to oyster recovery. Over the past 5 years, there have been over 80 citations issued for oystering in sanctuaries, which represents a small fraction of poachers who were actually caught for just one category of poaching violations.

Currently, there are five categories of oyster poaching violations that can trigger revocation of an oyster authorization. These include harvesting oysters inside a sanctuary, removing oysters from an aquaculture lease, harvesting oysters in areas closed for water quality, harvesting out of permitted times, and harvesting with a gear type that is not permitted. These are egregious violations that threaten the viability of the industry, the recovery of the oyster population, and the safety of Maryland citizens. The statutory requirement that an individual’s authorization to catch oysters be revoked if he is found guilty of one of these five violations reflects the seriousness of these actions and are intended to serve as a strong deterrent to those who would consider skirting these regulations for monetary gain.

Even if an individual’s oyster authorization is revoked, they can continue to operate in other fisheries, meaning their opportunity to earn a livelihood in the fishing industry is not completely shut down. In this regard, Maryland’s penalties are less stringent than other states’, like Virginia, who has the authority to seize vessels and harvest equipment, preventing individuals from participating at all in commercial harvesting.

The requirement to attend a class for “rehabilitation” is unlikely to improve compliance with oyster regulations. At the start of each season, each licensed harvester receives a Shellfish Closure Book detailing harvest regulations and management boundaries, and must submit a signed affidavit that they have read and understand the fishery regulations. The law requires that those who have their license revoked did so knowingly, so there is little new information such a class could provide that would not have already been available before they committed the violation.

We urge the Committee to provide an **unfavorable** report on Senate Bill 637 and thank you for your consideration.

Sincerely,

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