



# CHESAPEAKE BAY FOUNDATION

Environmental Protection and Restoration  
Environmental Education

## Senate Bill 841

### Natural Resources - Public Clam Fishery Area - Establishment

Date: March 4, 2025

To: Education, Energy, and the Environment Committee

Position: **UNFAVORABLE**

From: Dr. Allison Colden,  
MD Executive Director

Chesapeake Bay Foundation (CBF) **OPPOSES** Senate Bill 841 which would require the Department of Natural Resources (DNR) to establish, in consultation with the Tidal Fisheries Advisory Commission, public clam fishery areas for the purpose of prohibiting shellfish aquaculture leasing in these areas.

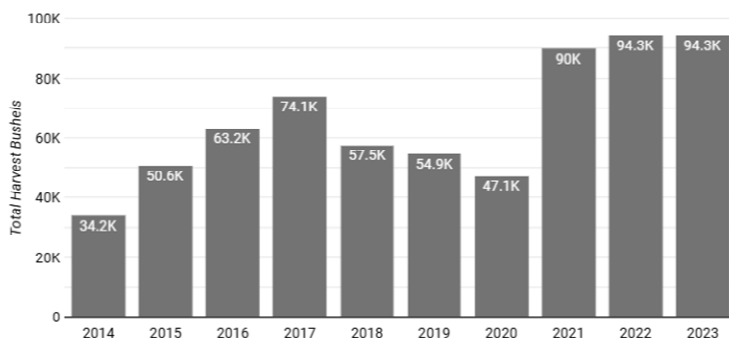
Shellfish aquaculture is a nascent, but growing, industry in Maryland. In 2023, Maryland oyster farmers produced more than 94,000 bushels of oysters and contributed more than \$13.3 million to the Maryland economy. Despite the rapid growth in production of the industry, shellfish aquaculture only occupies approximately 7,500 acres of leased area.

In addition to economic benefits, oyster aquaculture has been recognized as a nutrient reduction best management practice by the Environmental Protection Agency, allowing oyster farmers to contribute to the State's water quality restoration goals. Since 2012, oyster aquaculture has removed more than 41,000 pounds of nitrogen and 6,800 pounds of phosphorus from Maryland tributaries.

## Maryland Oyster Aquaculture Industry Summary

UNIVERSITY OF  
MARYLAND  
EXTENSION

Sea Grant  
MARYLAND



### Since 2012

Total Harvest Bushels

**685,981**

Estimated Pounds of Nitrogen Removed from Chesapeake Bay\*

**41,159**

Estimated Pounds of Phosphorus Removed from Chesapeake Bay\*

**6,860**

Estimated Economic Impact\*\*

**\$97,052,633**

\* Estimate assumes 300 3-inch diploid oysters per bushel; <https://mde.maryland.gov/programs/water/WQT/Pages/index.aspx>

\*\*Estimates based on information presented in: van Senten, J., Engle, C, Parker, M, and Webster, D. (2020) Analysis of the economic benefits of the Maryland shellfish aquaculture industry. Chesapeake Bay Foundation. Annapolis, MD. 51pp.

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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 200,000 members and e-subscribers, including 71,000 in Maryland alone, CBF works to educate the public and to protect the interest of the Chesapeake and its resources.

SB 841 requires DNR to establish public clam fishery areas for the purposes of making these areas off-limits to shellfish aquaculture. What this bill fails to recognize is the ephemeral life history of clams. Unlike oysters, which attach to stationary reefs and remain there for their lifetime, clams live directly in the sediment and their location changes each year. Clam harvest reports, which the bill suggests are the basis of establishing these clam fishery areas, only provide a broad NOAA code region and the closest point of land as a geographic reference for where harvesting takes place. NOAA codes range from 3,000 to more than 185,000 acres in size. Without more specific, verifiable data, this bill could place large swaths of Bay bottom off limits to private investment in oyster recovery.

The current lease review and approval process requires DNR to consider and minimize any possible user conflicts, including conflicts with other fisheries. Lease applicants are already required to avoid pound net sites, oyster bars, piers, channels, and duck blinds. Other potential conflicts, like clam harvest, are considered by DNR on a case-by-case basis. Given the dynamic and ephemeral nature of clam settlement, we believe the current process is the most appropriate and equitable approach to balancing the needs of aquaculture and the wild clam fishery.

**CBF urges the Committee's UNFAVORABLE report on SB 841.**

For more information, please contact Matt Stegman, Maryland Staff Attorney, at [mstegman@cbf.org](mailto:mstegman@cbf.org).