

Testimony before the
Senate Education, Energy, and the Environment Committee
February 4, 2025

Senate Bill 76
Tidal Fish Licenses – Oyster Authorizations – Administrative Penalties
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 Senate Education, Energy, and the Environment Committee on Senate Bill 76. This bill would remove the Department of Natural Resources' (DNR) authority to revoke authorizations to harvest oysters, significantly weakening penalties and deterrents for oyster poaching. Further the bill would allow existing revocations to be retroactively reinstated, allowing those with a revoked authorization to bypass those currently on the waiting list.

The Chesapeake Bay oyster population remains at around two percent of historic levels, and oyster poaching is a significant impediment to oyster recovery. Administrative penalties are reserved for the most egregious set of violations, which includes poaching from an oyster sanctuary, poaching from an oyster aquaculture lease, and poaching from areas closed due to sanitation issues, among others. These violations threaten the long-term sustainability of the oyster population, private investment in oyster recovery and public health and safety. The existing statute reflects the seriousness of these specific actions and is intended to serve as a strong deterrent to these illegal activities.

Even if an individual's oyster authorization is revoked, they can continue to participate 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 fishing.

Removing the ability to revoke a license for the most serious oyster poaching offenses is an undermining of the Department's authority and limits the ability to remove 'bad actors' from the oyster fishery. These 'bad actors' not only damage the resource but undercut honest watermen who adhere to the regulations. Limiting a suspension to not more than 2 years for a first offense significantly weakens the deterrent effect of administrative action as the penalty could be as little as a month, rendering a suspension little more than the cost of doing business. The bill also requires reinstatement of an authorization at the termination of suspension regardless of any other violations that may have occurred. Many of those currently revoked have committed additional offenses while revoked, and this bill would allow them to be reinstated rather than making that license available for those who have been on the waitlist for years.

Oysters are a public resource, belonging to all Marylanders. Regulations and the penalties which reinforce them are put in place to protect these resources, which are held in public trust for the benefit of all. Knowing violation of these regulations in a manner that invokes the most serious penalties the Department can levy should not be taken lightly, as is reflected DNR's thoughtful and limited implementation of their current authority.

We urge the Committee to provide an **unfavorable** report on Senate Bill 76 and thank you for your consideration.

Sincerely,

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