

SB 841 - CBF - UNF.pdf

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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.

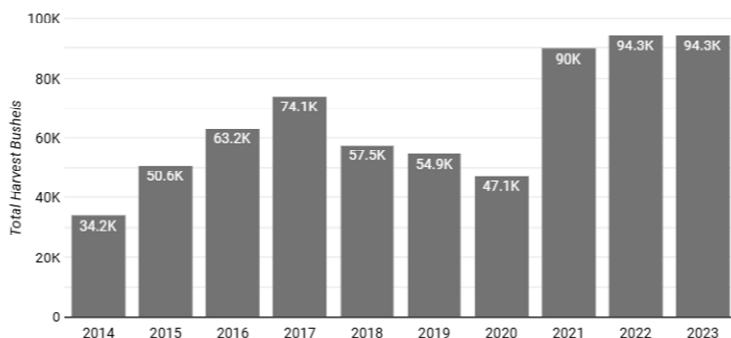
Shellfish aquaculture is a nascent, but growing, industry in Maryland. In 2023, Maryland oyster farmers produced more than 94,000 bushels of oysters and contributed more than \$13.3 million to the Maryland economy. Despite the rapid growth in production of the industry, shellfish aquaculture only occupies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

Dataset maintained by Matt Parker
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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.

ShoreRivers Testimony Opposition SB841 - Clam Area

Uploaded by: Benjamin Ford

Position: UNF



Testimony in OPPOSITION to SB 841
Natural Resources – Public Clam Fishery Area – Establishment

Feb 28, 2025

Chairperson Feldman, Vice Chair Kagan, and Members of the Committee,

I am writing to express my **strong opposition to SB841**, which would require the Maryland Department of Natural Resources (DNR) to establish designated clam fishery areas based on past commercial harvesting activity and prohibit oyster aquaculture leasing in those areas. **This legislation threatens the continued growth and success of Maryland's oyster aquaculture industry and could significantly hinder efforts to restore the health of the Chesapeake Bay.**

Over the past several years, Maryland's oyster aquaculture industry has achieved record harvests, with landings exceeding 90,000 bushels per year from 2021 to 2023. This success has come despite existing restrictions on aquaculture, including submerged aquatic vegetation protection zones, natural oyster bars (Yates bars), and other regulatory constraints. **SB841 would impose additional, unnecessary limitations, making it even more difficult for aquaculture businesses to expand and remain viable.**

Unlike oysters, which form stationary reefs, soft-shell and razor clams inhabit shifting sands and sediments, meaning their locations vary from year to year. Establishing fixed "clam fishery areas" is not only impractical but also risks unnecessarily restricting large portions of the Bay from aquaculture use. Furthermore, **Maryland lacks a fishery management plan for either soft-shell or razor clams, and reporting of landings for both species has been sporadic and inconsistent. The absence of reliable data makes it nearly impossible to accurately define historical clamming areas, increasing the likelihood that viable aquaculture grounds will be arbitrarily restricted.**

Beyond its economic benefits, oyster aquaculture provides significant environmental advantages. Farmed oysters improve water quality by filtering pollutants, increasing water clarity, and creating essential habitat for fish and crabs. **The Chesapeake Bay Program recognizes oyster aquaculture as a best management practice for nitrogen and phosphorus removal, making it a crucial tool for achieving the region's water quality goals.**

Moreover, the Eastern Bay Oyster Workgroup that has submitted its findings to the OAC, DNR, and the MGA included watermen, including clammers. **After a year of consensus**

ShoreRivers

Isabel Hardesty, Executive Director

Annie Richards, Chester Riverkeeper | Matt Pluta, Choptank Riverkeeper

Ben Ford, Miles Wye Riverkeeper | Zack Kelleher, Sassafras Riverkeeper

building efforts, even with clamming industry representation on that workgroup, no recommendations regarding establishing dedicated clamming areas made it into the final recommendations. One of the recommendations that did make it into the final package was to support the expansion of oyster aquaculture in Eastern Bay. This concept has not been brought before the Oyster Advisory Commission either.

Restricting the growth of this industry to accommodate a small number of commercial clambers—especially in the absence of a fishery management plan or reliable harvest data—is short-sighted and counterproductive to Maryland’s broader restoration and economic objectives. For these reasons, **I strongly urge you to oppose SB841 and instead support policies that promote both sustainable aquaculture and responsible fisheries management.**

Thank you for your time and consideration.

Sincerely,



Benjamin Ford, Miles-Wye Riverkeeper, on behalf of ShoreRivers

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Uploaded by: Emily Wilson

Position: UNF



Wes Moore, Governor
Aruna Miller, Lt. Governor
Josh Kurtz, Secretary
David Goshorn, Deputy Secretary

March 4, 2025

BILL NUMBER: Senate Bill 841 – First Reader

SHORT TITLE: Natural Resources - Public Clam Fishery Area - Establishment

DEPARTMENT’S POSITION: OPPOSE

EXPLANATION OF DEPARTMENT’S POSITION

The Department opposes SB 841. Clam populations fluctuate and commercial clam bottom shifts annually and sometimes multiple times within a year, making it difficult to accurately map clamming areas, thus potentially prohibiting shellfish aquaculture in areas that could in fact support the practice.

Coordinates will be needed to create regulations to map clam bottom. Yet, commercial clamming reports do not provide sufficient location information for such a regulation as they are not specific enough for delineating areas. This would require additional work by the Department to interview clambers and determine where they worked over a given time period, and it could involve extensive field surveys to map clam populations and determine if they are at commercial levels.

The bill would also present an obstacle to aquaculture based on bottom that may or may not actually be usable to the clam harvesters should areas remain designated yet actually be unproductive due to a recent clam die-off. There is also the issue of removing clam bottom as it falls out of commercial production. Once an area is de-listed because it no longer meets the criteria to be clam bottom, leases could be applied for and granted, thus defeating the purpose of the bill.

BACKGROUND INFORMATION

Clam populations and commercial production can decline and collapse due to high fresh water runoff (low salinity stress), high summer temperature stress, low dissolved oxygen, predation, and harvesting out an area. Such declines can occur in the span of a few weeks or months, resulting in ever changing commercial areas. In other words, bars shift and there are no permanent clam bars.

BILL EXPLANATION

The bill requires the Department to determine areas that are ‘clam bottom’ and prohibits shellfish aquaculture in those areas. The agency is directed to determine clam fishery areas through commercial harvesting reports from the three preceding years, any surveys conducted by the agency, and other quantitative data.

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