



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

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March 11, 2025

**BILL NUMBER: House Bill 1263 – First Reader**

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

**DEPARTMENT'S POSITION: OPPOSE**

### **EXPLANATION OF DEPARTMENT'S POSITION**

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The Department opposes HB 1263. 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**

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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**

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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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