

**Department of Legislative Services**  
Maryland General Assembly  
2016 Session

**FISCAL AND POLICY NOTE**  
**Third Reader - Revised**

House Bill 916

(Delegate Jacobs, *et al.*)

Environment and Transportation

Education, Health, and Environmental Affairs

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**Study on Harvesting Hard-Shell Clams in the Atlantic Coastal Bays and  
Aquaculture Areas in the Chincoteague Bay**

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This bill requires the Department of Natural Resources (DNR) to study and make recommendations on the mechanical harvesting of hard-shell clams in the Atlantic Coastal Bays in the area between the Verrazano Bridge and the Maryland-Virginia state line. The study and recommendations must address appropriate gear types and harvest limits as well as an appropriate harvest season, as specified. DNR must also identify areas in the Chincoteague Bay that are restricted from being used under an aquaculture lease. DNR must report its findings and recommendations to the Governor and the General Assembly by December 31, 2016.

The bill takes effect June 1, 2016.

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**Fiscal Summary**

**State Effect:** The bill's requirements can be handled by DNR with existing resources.

**Local Effect:** None.

**Small Business Effect:** None.

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## Analysis

### Current Law/Background:

#### *Mechanical Harvesting in the Atlantic Coastal Bays*

Chapter 260 of 2007 established a prohibition against harvesting clams or oysters by dredge or other mechanical means in the Atlantic Coastal Bays. DNR's fishery management plan report for Atlantic Coastal Bays hard clams indicates that commercial effort and harvest prior to the prohibition on dredging under Chapter 260 varied over the years. Harvests in the mid-1990s were below 25,000 pounds per year, but subsequently increased, peaking at 163,000 pounds in 2002. The report indicates that Chapter 260's prohibition, however, essentially eliminated the commercial fishery; since the prohibition took effect in 2008, commercial landings have been nonexistent or negligible.

#### *Aquaculture Leases*

Aquaculture leases allow a person to cultivate shellfish on submerged land or in a floating structure. A person wishing to obtain a submerged land or water column lease must undergo an application process that includes DNR providing public notice and an opportunity for any person with a specific right, duty, privilege, or interest different from that held by the general public that may be adversely affected to protest the proposed lease. Certain location restrictions on leases are also specified in statute and regulations.

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### Additional Information

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Natural Resources, Department of Legislative Services

**Fiscal Note History:** First Reader - February 25, 2016  
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