

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

House Bill 218

(Delegate Elmore, *et al.*)

Environmental Matters

Education, Health, and Environmental Affairs

Natural Resources - Oysters - Dredge Devices

This bill repeals a prohibition against possessing or using a devil catcher, devil diver, or similar device on a dredge boat.

The bill takes effect July 1, 2010.

Fiscal Summary

State Effect: The bill does not materially affect State operations or finances.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Current Law: The Department of Natural Resources (DNR) regulates oyster harvesting in State waters. Any person who owns or is responsible for operating any dredge boat must have a license to catch oysters by dredge boat. Current regulations stipulate that individuals must receive a DNR power dredge permit before catching or attempting to catch oysters in State waters and may not use a power dredge bar that exceeds 42 inches.

Chapter 475 of 1927 prohibited the use of devil divers. However, Chapter 166 of 2004 and Chapter 402 of 2007 temporarily repealed the prohibition against possessing or using devil catchers, devil divers, or similar devices on a dredge boat. Chapter 402 of 2007 terminated on September 30, 2009.

Background: A variety of approaches are used to gather oysters. Rakes are used in shallow waters and long-handled rakes or oyster tongs are used in deeper water. Patent tongs can be lowered on a line to reach beds which are too deep to reach directly. In all cases the manner of operation is the same; individuals scrape together a small pile of oysters and gather them with a rake or tongs. A dredge is a toothed bar attached to a chain bag that picks up oysters as it is towed by a boat through an oyster bed. While dredges collect oysters quickly, their use is strictly limited due to the damage they may cause to oyster beds.

A devil diver is a metal plate attached to a dredge at an angle so that, as the dredge is pulled through the water, water pressure directs the dredge downward, and, once on the bottom, keeps the dredge down to catch oysters. The plate encourages the dredge to follow the contours of the bottom, thereby making the dredge easier to use. The plate also directs the dredge to the bottom more quickly, allowing the dredge to be used in deeper water.

In accordance with Chapter 166 of 2004, DNR completed a report on the environmental impacts of devices that steer oyster dredges to the bottom. This report concluded, among other things, that the ecological impact of the diver depends on where it is used. On hard substrates, it has no more impact than a dredge without a diver. On soft, shallow bars such as those found in the middle and upper reaches of tributaries, divers may cause more damage than nondiver dredges.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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