

SENATE BILL 795

M2

3lr2181
CF 3lr3004

By: **Senators Pipkin, Colburn, Jacobs, and Reilly**
Introduced and read first time: February 1, 2013
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Oyster Dredging – Waters North of the Chesapeake Bay Bridge and Kent**
3 **Narrows Bridge**

4 FOR the purpose of adding the waters of Anne Arundel County, Baltimore County,
5 Cecil County, Harford County, Kent County, and Queen Anne’s County that lie
6 north of the Chesapeake Bay Bridge and the Kent Narrows Bridge to the areas
7 of State waters in the Chesapeake Bay where a person may catch oysters by
8 dredge; and generally relating to oyster dredging in the Chesapeake Bay.

9 BY repealing and reenacting, with amendments,
10 Article – Natural Resources
11 Section 4–1012
12 Annotated Code of Maryland
13 (2012 Replacement Volume)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article – Natural Resources**

17 4–1012.

18 (a) A person may not catch oysters by dredge in the Atlantic Coastal Bays, as
19 defined in § 8–1802 of this article, or in the following areas of the Chesapeake Bay: the
20 area bounded by a line drawn from Lowes Point towards the Bloody Point Lighthouse
21 for a distance of 1.8 miles, and then direct to North Point on Poplar Island; then
22 southerly around the westerly shore of Poplar Island to the southwesterly most point;
23 then running in a straight line to the Department marker on the northern shore of
24 Pawpaw Cove which area shall be reserved for catching of oysters with shaft tongs
25 only; all the area lying within one–fourth mile of the western shore of Poplar Island;
26 all the area within one–half mile of Plum Point; all the area within one and one–half

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 miles of Sandy Point, Hackett Point, Tolly Point, and Thomas Point within Anne
 2 Arundel County waters; and the following oyster bars: 2-9, 2-10, 5-1, 5-2, 5-3A,
 3 5-3B, 8-2, 8-6, and 8-9, as defined by the charts of the Oyster Survey of 1906 to 1912,
 4 and its amendments.

5 (b) A person may not catch oysters by dredge except in the following waters:

6 (1) ANNE ARUNDEL, BALTIMORE, CECIL, HARFORD, KENT, AND
 7 QUEEN ANNE'S COUNTIES. ALL THE WATERS NORTH OF THE CHESAPEAKE BAY
 8 BRIDGE AND THE KENT NARROWS BRIDGE.

9 [(1)] (2) Dorchester County. The area bounded as follows: beginning
 10 at Crab Point in Honga River, then proceeding in a straight line to the most easterly
 11 point on Lower Hooper Island to the Dorchester County line, then following the shore
 12 line to Richland Point, then in a straight line southerly to Oakanhanikan Point, then
 13 following the north shoreline of Bloodsworth Island to Tigs Point, then in a
 14 northeasterly direction to Bishop Head Point, then along the shore to Crab Point, and
 15 then to the place of beginning.

16 [(2)] (3) Dorchester and Talbot counties. All that portion of the
 17 Choptank River within an area bounded as follows: beginning at the Department
 18 marker on Upper Bar Neck, Tilghman Island; then proceeding in a straight line
 19 easterly to Benoni Lighthouse; then in a straight line easterly to Chlora Point; then in
 20 along the shore easterly to Howell Point; then southerly across the Choptank River to
 21 Horn Point; then westerly in a straight line to Castlehaven Point; then westerly in a
 22 straight line to Todd Point; then westerly in a straight line to Cook Point; along the
 23 shore to Hill's Point; then in a straight line to James' Point on James' Island; then in a
 24 straight line to Sharp's Island Lighthouse; then in a straight line to Blackwalnut
 25 Point; then along the shore to the Department marker, the point of the beginning.

26 [(3)] (4) Somerset County. All the waters of Somerset County, except
 27 Pocomoke Sound, including the Wicomico, Manokin, and Big Annemessex rivers,
 28 which are defined as follows:

29 Wicomico River: easterly of a straight line drawn from the former dwelling of
 30 Thomas Tigner near Hains Point to the most southwesterly point of Clay Island.

31 Manokin River: landward or upstream of a straight line joining South Point on
 32 Little Deals Island to Hazard Point on the mainland.

33 Big Annemessex River: easterly of a straight line from Tenth Point to Porpoise
 34 Point; and for the purpose of this section, Tenth Point shall be considered to be the
 35 easterly point of the marsh at the entrance of Thru Creek shown on published Chart
 36 No. 7 of the Oyster Survey of 1906 to 1912, at a position of latitude 38 degrees, 2
 37 minutes, 19.20 seconds and longitude 75 degrees 51 minutes 39.47 seconds; and
 38 Porpoise Point shall be considered to be the most westerly point of the marsh of Pat

1 Island and that part of Tangier Sound, south of a line drawn in an easterly course
2 from Terrapin Sands Point on the west side of Tangier Sound to the channel and then
3 following the channel in a southerly direction to the Virginia Line.

4 **[(4)] (5)** Talbot County. The waters bayward of a line beginning at
5 Kent Point and following the territorial county line in an easterly direction to where it
6 intercepts the Queen Anne's County–Talbot County line; then following the county
7 line northeasterly to the point where a straight line drawn from Long Point to the
8 Wades Point bell buoy intersects the county line; from there in a southeasterly
9 direction to the Wades Point bell buoy; and then direct to Wades Point bell buoy; and
10 then direct to Wades Point; then following the shoreline to Lowes Point; and then
11 direct towards the Bloody Point Lighthouse for a distance of 1.8 miles; and then direct
12 to North Point on Poplar Island.

13 (c) Any boat sailing over any areas of the State which are exempt from
14 dredging, by this subtitle or by rule or regulation of the Department, with any dredge,
15 scrape, scoop, or similar instrument on board or in tow, may be apprehended by any
16 Natural Resources police officer or any other law enforcement officer. If the boat has
17 on board any wet oysters, dredge, or dredge line, or if the deck is wet and the boat is
18 equipped for catching oysters with dredge or similar instrument, these facts shall be
19 prima facie evidence that the boat has been used to violate the provisions of this
20 section.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2013.