



MARYLAND DEPARTMENT OF THE ENVIRONMENT

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Martin O'Malley
Governor

Robert M. Summers, Ph.D.
Secretary

Anthony G. Brown
Lieutenant Governor

February 11, 2014

The Honorable Joan Carter Conway, Chair
Members, Education, Health and Environmental Affairs Committee
Senate Office Building, Suite 2W
Annapolis, MD 21401

Re: Senate Bill 466– *Oyster Dredging – Waters North of the Chesapeake Bay Bridge and Kent Narrows Bridge*

Dear Chairwoman Conway and Committee Members:

The Maryland Department of the Environment has reviewed Senate Bill 466 entitled *Oyster Dredging – Waters North of the Chesapeake Bay Bridge and Kent Narrows Bridge*, and has concerns regarding the legislation.

Senate Bill 466 (SB466) authorizes the harvest of oyster by dredge in waters located north of the Chesapeake Bay Bridge and Kent Narrows Bridge. The Department shares the Department of Natural Resources concerns regarding long-term harm to the oyster populations in those waters that could result from passage of this legislation. Additionally, the Department is concerned that SB466 may alter the Department's authority to restrict shellfish harvesting in Maryland waters based on investigation and determination of a public health hazard due to pollution.

Section 4-742 of the Natural Resources Article permits MDE to close areas to shellfish harvest if it determines that pollution poses a risk to consumer health. Section 4-1006 of the Natural Resources Article prohibits a person from catching clams or oysters in an area closed due to pollution. It is unclear whether SB466 would overrule MDE's current authority to close shellfish waters. In order to ensure that SB466 cannot be interpreted as overruling MDE's current authority, the bill would need to be amended to explicitly state that the authorization to catch oysters by dredge is subject to the provisions of sections 4-1006 and 4-742 of the Natural Resources Article.

Thank you for your consideration of this information. We will continue to monitor Senate Bill 466 during the Committee's deliberations, and I am available to answer any questions you may have. Please feel free to contact me at 410-260-6301 or by e-mail at jeffrey.fretwell@maryland.gov.

Sincerely,

Jeffrey Fretwell

cc: The Honorable Roy Dyson
D. Lee Currey, Director, Science Services Administration

