



## Oyster Law

### COMAR Chapter 04 Oysters

#### **08.02.04.01 Patent Tong Areas.**

A. Notwithstanding Natural Resources Article, §4-1011, Annotated Code of Maryland, and except as listed in §B of this regulation, a person may not use patent tongs to catch oysters in any of the waters listed in this section.

(1) Wicomico County.

(2) Queen Anne's County.

(3) Talbot County.

(4) Dorchester County.

(5) Kent County.

(6) Patuxent River. All of the waters of the Patuxent River enclosed by a line beginning at a point on the shore at Hog Point defined by Lat. 38°18.586' N, Long. 76°23.993' W; then running westerly along the shore to a point on the shore at Fishing Point defined by Lat. 38°18.285' N, Long. 76°25.355' W; then running 345° True to a point defined by Lat. 38°18.525' N, Long. 76°25.434' W; then running 251° True to a point defined by Lat. 38°18.271' N, Long. 76°26.356' W; then running 196° True to a point on the shore, defined by Lat. 38°17.503' N, Long. 76°26.64' W; then running northwesterly along the shore to a point defined by Lat. 38°22.412' N, Long. 76°31.504' W; then running 27° True to a point defined by Lat. 38°22.54' N, Long. 76°31.42' W; then running 307° True to a point defined by Lat. 38°22.612' N, Long. 76°31.54' W; then running 208° True to a point on the shore, defined by Lat. 38°22.491' N, Long. 76°31.621' W; then running northwesterly along the shore to a point on shore at Sotterly Wharf, defined by Lat. 38°22.728' N, Long. 76°32.003' W; then running 77° True to a point near St Leonard's Creek Beacon, defined by Lat. 38°23.065' N, Long. 76°30.177' W; then running 77° True to a point on the shore, defined by Lat. 38°23.128' N, Long. 76°29.826' W; then running southeasterly along the shore to a point defined by Lat. 38°20.631' N, Long. 76°28.241' W; then running 282° True to a point defined by Lat. 38°20.638' N, Long. 76°28.287' W; then running 213° True to a point defined by Lat. 38°20.008' N, Long. 76°28.815' W; then running 132° True to a point on the shore, defined by Lat. 38°19.983' N, Long. 76°28.78' W; then running southeasterly along the shore to a point at the south entrance of Solomon's Harbor, defined by Lat. 38°19.263' N, Long. 76°27.103' W; then running 7° True to a point at the north entrance of Solomon's Harbor, defined by Lat. 38°19.37' N, Long. 76°27.087' W; then running easterly along the shore to Drum Point defined by Lat. 38°19.143' N, Long. 76°25.266' W; then running 119° True to the point of beginning.

Last Updated on 4/22/2011. For any recent regulatory changes, please visit <http://www.dnr.state.md.us/fisheries/regulations/regindex.html>

(7) Tributaries of the Potomac River.

(8) South River in Anne Arundel County above and west of a straight line drawn between Thomas Point and Saunders Point.

(9) Chesapeake Bay. All of the waters of the Chesapeake Bay enclosed by a line beginning at a point on the shore at Richland Point defined by Lat. 38°14.846' N, Long. 76°10.349' W; then running 319° True to a point on the shore at the south end of Barren Island, defined by Lat. 38°19.467' N, Long. 76°15.404' W; then running 123° True along the contiguous waters line to a point on the shore near Pons Point defined by Lat. 38°18.424' N, Long. 76°13.400' W; then running southeasterly along the shore to a point near the north end of the Narrows Ferry Bridge, defined by Lat. 38°17.917' N, Long. 76°12.389' W; then running 155° True to a point near the south end of the Narrows Ferry Bridge, defined by Lat. 38°17.676' N, Long. 76°12.250' W; then running southeasterly along the shore to the point of beginning.

B. Exceptions. Notwithstanding Natural Resources Article, §4-1011, Annotated Code of Maryland, a person may catch oysters by patent tong in the areas listed in this section.

(1) Natural Oyster Bar 5-2: All of the waters enclosed by a line beginning at a point defined by Lat. 39°6.272' N, Long. 76°17.175' W; then running 335° True to a point defined by Lat. 39°6.765' N, Long. 76°17.464' W; then running 63° True to a point defined by Lat. 39°6.861' N, Long. 76°17.222' W; then running 143° True to a point defined by Lat. 39°6.575' N, Long. 76°16.944' W; then running 211° True to the point of beginning.

(2) Natural Oyster Bar 2-9: All of the waters enclosed by a line beginning at a point defined by Lat. 39°7.507' N, Long. 76°18.981' W; then running 0° True to a point defined by Lat. 39°8.857' N, Long. 76°18.981' W; then running 38° True to a point defined by Lat. 39°11.002' N, Long. 76°16.858' W; then running 62° True to a point defined by Lat. 39°11.665' N, Long. 76°15.225' W; then running southwesterly along shore excluding all creeks and coves less than 300 feet in width to a point defined by Lat. 39°10.830' N, Long. 76°16.017' W; then running 240° True to a point defined by Lat. 39°10.508' N, Long. 76°16.732' W; then running 195° True to a point defined by Lat. 39°8.416' N, Long. 76°17.469' W; then running 168° True to a point defined by Lat. 39°7.602' N, Long. 76°17.245' W; then running 259° True to a point defined by Lat. 39°7.507' N, Long. 76°17.858' W; then running 270° True to the point of beginning.

(3) Natural Oyster Bar 2-10: All of the waters enclosed by a line beginning at a point defined by Lat. 39°7.508' N, Long. 76°15.842' W; then running 349° True to a point defined by Lat. 39°7.736' N, Long. 76°15.899' W; then running 85° True to a point defined by Lat. 39°7.793' N, Long. 76°14.979' W; then running 180° True to a point defined by Lat. 39°7.503' N, Long. 76°14.982' W; then running 270° True to the point of beginning.

(4) Natural Oyster Bar 5-1: All of the waters enclosed by a line beginning at a point defined by Lat. 39°7.349' N, Long. 76°18.981' W; then running 0° True to a point defined by Lat. 39°7.507' N, Long. 76°18.981' W; then running 90° True to a point defined by Lat. 39°7.507' N, Long. 76°17.858' W; then running 260° True to the point of beginning.

(5) All of the waters of Eastern Bay south and west of a line beginning at a point at the intersection of the Eastern Bay contiguous waters line as defined by the charts of the Oyster Survey of 1906 to 1912, and its amendments, and the Queen Anne's -Talbot County line, defined by Lat. 38°49.904' N, Long. 76°20.384' W; then running 48° True to a point where a straight line drawn from Long Point to the Wades Point Bell Buoy intersects the county line, defined by Lat. 38°50.871' N, Long. 76°19.031' W; then running 115° True to a point defined by Lat. 38°50.746' N, Long. 76°18.686' W; then running 233° True to a point defined by Lat. 38°50.574' N, Long. 76°18.978' W; then running 201° True to a point defined by Lat. 38°48.693' N, Long. 76°19.884' W; then running 90° True to a point on shore, defined by Lat. 38°48.686' N, Long. 76°18.54' W; then running southerly along the shore to Lowes Point defined by Lat. 38°46.416' N, Long. 76°20.02' W; then running 323° True toward Bloody Point Lighthouse to a point 1.8 nautical miles from Lowes Point defined by Lat. 38°47.861' N, Long. 76°21.394' W; then running 210° True to a point near the former location of North Point on Poplar Island, defined by Lat. 38°46.553' N, Long. 76°22.342' W.

## **08.02.04.02 Catching Oysters for Noncommercial Purposes.**

A. Catch Limit. Subject to the limitations in this regulation, a resident may take up to one bushel of oysters on any day without obtaining a license, if the oysters are for his own use and consumption, and not for sale or marketing.

Last Updated on 4/22/2011. For any recent regulatory changes, please visit <http://www.dnr.state.md.us/fisheries/regulations/regindex.html>

B. Times for Catching Oysters.

(1) The season for catching oysters for noncommercial purposes is from October 1 through March 31, inclusive.

(2) A person may catch oysters for noncommercial purposes:

(a) Monday through Friday from sunrise until 3 p.m.; and

(b) Saturday from sunrise until 12 p.m.

C. Prohibition. Except during the times specified in this regulation, it is illegal for a person to catch oysters for noncommercial purposes.

D. Lawful Methods. A person may catch oysters for noncommercial purposes only by hand, rake, shaft tong, or diving with or without scuba equipment.

E. A person may not take oysters for noncommercial purposes while aboard a vessel where any other person is engaged in commercial oystering.

### **08.02.04.03 Catching Oysters for Commercial Purposes.**

A. Time for Catching Oysters. The season for catching oysters for commercial purposes is from:

(1) October 1 through March 31, inclusive, for the following gears:

(a) Shaft tong;

(b) Patent tong; or

(c) Diving apparatus;

(2) November 1 through March 31, inclusive, for:

(a) Dredge boat; or

(b) Dredge boat propelled by means of an auxiliary yawl boat; and

(3) November 1 through March 31, inclusive, for dredging.

B. A person may only catch oysters for commercial purposes during:

(1) October with shaft tong, patent tong, and diving apparatus—Monday through Friday from sunrise until 3 p.m.;

(2) November and December with the following means of catching at the following times:

(a) Shaft tong, patent tong, diving apparatus, and dredge boat—Monday through Friday from sunrise until sunset;

(b) Dredging from a dredge boat propelled by means of an auxiliary yawl boat—not more than 2 days from Monday through Friday, from sunrise until sunset, in accordance with Regulation .10 of this chapter; and

(c) Power dredging in designated waters—Monday through Friday from sunrise until 3 p.m.; and

(3) January, February, and March with the following means of catching at the following times:

(a) Shaft tong, patent tong, dredge boat, and diving apparatus—Monday through Friday from sunrise until 3 p.m.;

(b) Dredge boat propelled by means of an auxiliary yawl boat—not more than 2 days from Monday through Friday, from sunrise until sunset, in accordance with Regulation .10 of this chapter; and

(c) Power dredging in designated waters—Monday through Friday from sunrise until 3 p.m.

C. A person may not land or possess oysters on a vessel more than 2 hours after sunset or anytime before sunrise.

D. The Department of Natural Resources Police shall be notified by the licensee when the licensee's vessel has an emergency which would prevent it from landing during the times specified in §C of this regulation.

#### **08.02.04.04 Oyster Containers.**

A. Oysters in the shell sold in the State shall be measured at the point of initial sale in either:

(1) A tub specified by Natural Resources Article, §4-1018, Annotated Code of Maryland; or

(2) A container or bin with dimensions approved in writing by the Department; or

(3) A basket with a capacity of 1 U.S. standard bushel, provided that the oysters being sold in this basket are not removed from the basket during storage or shipment.

B. In order to obtain approval from the Department, a container or bin shall be measured by the Department and shall meet the following requirements:

(1) The container or bin is made of a rigid, open mesh.

(2) The container or bin has a rectangular or square shape, right-angled corners, and flat surfaces.

(3) The container or bin is made of smooth, impervious, corrosion-resistant, and non-toxic materials which will not readily disintegrate or crack.

(4) The container or bin is constructed so that it may be easily cleaned and kept in good repair.

(5) The container or bin is constructed to allow either one side or one end to be opened to unload or inspect the oysters.

C. Upon demand, the Department's letter approving the dimensions of the container or bin shall be displayed to any Natural Resources Police Officer or any other duly authorized representative of the Department.

#### **08.02.04.05 Use of Diving Apparatus to Catch Oysters Commercially.**

Oysters may be taken for commercial purposes utilizing diving apparatus under the following conditions:

A. General Requirements.

(1) Each person engaged in the diving operation, including the diver and the attendant, shall possess a license to catch oysters for commercial purposes.

(2) Not more than two divers may work from a boat at one time.

Last Updated on 4/22/2011. For any recent regulatory changes, please visit <http://www.dnr.state.md.us/fisheries/regulations/regindex.html>

(3) Each diver shall have one attendant on the boat.

(4) A diving flag that is a rigid replica of the International Code Flag "A" not less than 1 meter in height shall be displayed while the diver is in the water.

B. Distances Required. A person may not conduct a shellfish harvesting operation within 50 feet of a vessel involved in a diving operation.

C. Power assisted lifting devices including, but not limited to, hydraulic winders or motor driven windlasses may be used subject to the following conditions:

(1) The total length of cable or rope on the winding apparatus may not exceed 100 feet; or

(2) The container used when lifting the oysters from the bottom to the vessel shall be rigged with a self-closing lid that is automatically held in the closed position by the pressure of the retrieval line while the container is being retrieved.

## 06 Daily Catch Limit.

Except as provided in Regulation .14 of this chapter or in areas for which a permit has been issued under COMAR 08.02.23.04, the daily catch limits for the taking of oysters from the waters of the State are the following:

<i>Means of Catching</i>	<i>Limit</i>
A. Shaft tong, patent tong, and diving apparatus	15 bushels per licensee, not to exceed 30 bushels per boat
B. Dredge boat	150 bushels per boat
C. Power dredging	12 bushels per licensee, not to exceed 24 bushels per boat

## .08 Dredge Boat Areas.

A. Notwithstanding Natural Resources Article §4-1012(b), Annotated Code of Maryland, a person may not catch oysters by a dredge boat, as defined in Natural Resources Article §4-1001(g), Annotated Code of Maryland, except in the following waters:

(1) All of the waters of Hoopers Straits enclosed by a line beginning at a point defined by Lat. 38°11.923' N, Long. 76°5.674' W; then running 309° True to a point defined by the shore of Richland Point defined by Lat. 38°14.846' N, Long. 76°10.332' W; then running easterly along the shore of Lower Hoopers Island to a point defined by Lat. 38°13.968' N, Long. 76°7.871' W; then running 92° True to a point defined by Lat. 38°13.93' N, Long. 76°6.66' W; then running 150° True to a point defined by Lat. 38°13.203' N, Long. 76°6.122' W; then running 165° True to the point of beginning;

(2) All of the waters of the Honga River enclosed by a line beginning at a point defined by Lat. 38°14.877' N, Long. 76°6.956' W; then running 305° True to a point defined by Lat. 38°14.974' N, Long. 76°7.134' W; then running 35° True to a point on the shore at Crab Point defined by Lat. 38°15.77' N, Long. 76°6.439' W; then running southerly along the shore to a point defined by Lat. 38°15.25' N, Long. 76°6.052' W; then running 242° True to the point of beginning;

(3) All of the waters of Dorchester and Talbot Counties enclosed by a line beginning at a point at the Department marker (Triangulation Station Bar), defined by Lat. 38°41.359' N, Long. 76°19.302' W; then running 107° True to a point at Benoni (Choptank River) Lighthouse, defined by Lat. 38°39.344' N, Long. 76°11.069' W; then running 123° True to a point defined by the shore at Chlora Point defined by Lat. 38°38.222' N, Long. 76°8.829' W; then running easterly along the shore to a point on the west side of La Trappe Creek, defined by Lat. 38°37.695' N, Long. 76°7.323' W; then running 106° True to a point on the east side of La Trappe Creek, defined by Lat. 38°37.62' N, Long. 76°6.997' W; then running southerly along the shore to a point at the south end of Howell Point defined by Lat. 38°36.675' N, Long. 76°6.646' W;

Last Updated on 4/22/2011. For any recent regulatory changes, please visit <http://www.dnr.state.md.us/fisheries/regulations/regindex.html>

then running 256° True to a point on the shore at Horn Point defined by Lat. 38°36.324' N, Long. 76°8.451' W; then running 66° True to a point on the Dorchester-Talbot County line, defined by Lat. 38°36.507' N, Long. 76°7.92' W; then running 320° True to a point defined by Lat. 38°36.534' N, Long. 76°7.949' W; then running 333° True to a point defined by Lat. 38°36.671' N, Long. 76°8.039' W; then running 349° True to a point defined by Lat. 38°36.846' N, Long. 76°8.08' W; then running 360° True to a point defined by Lat. 38°37.26' N, Long. 76°8.084' W; then running 356° True to a point defined by Lat. 38°37.496' N, Long. 76°8.108' W; then running 345° True to a point defined by Lat. 38°37.81' N, Long. 76°8.212' W; then running 308° True to a point defined by Lat. 38°37.866' N, Long. 76°8.302' W; then running 286° True to a point defined by Lat. 38°37.89' N, Long. 76°8.408' W; then running 272° True to a point defined by Lat. 38°37.898' N, Long. 76°8.684' W; then running 267° True to a point defined by Lat. 38°37.884' N, Long. 76°9.023' W; then running 283° True to a point defined by Lat. 38°37.933' N, Long. 76°9.296' W; then running 302° True to a point defined by Lat. 38°38.095' N, Long. 76°9.631' W; then running 314° True to a point defined by Lat. 38°38.536' N, Long. 76°10.221' W; then running 303° True to a point defined by Lat. 38°38.68' N, Long. 76°10.498' W; then running 288° True to a point defined by Lat. 38°38.789' N, Long. 76°10.919' W; then running 271° True to a point defined by Lat. 38°38.79' N, Long. 76°11.095' W; then running 240° True to a point defined by Lat. 38°38.732' N, Long. 76°11.226' W; then running 251° True to a point defined by Lat. 38°38.576' N, Long. 76°11.793' W; then running 264° True to a point defined by Lat. 38°38.518' N, Long. 76°12.494' W; then running 278° True to a point defined by Lat. 38°38.562' N, Long. 76°12.874' W; then running 292° True to a point defined by Lat. 38°38.664' N, Long. 76°13.197' W; then running 218° True to a point on the shore at Todds Point defined by Lat. 38°37.683' N, Long. 76°14.168' W; then running 267° True to a point on the shore at Cooks Point defined by Lat. 38°37.581' N, Long. 76°17.109' W; then running southerly along the shore to a point defined by Lat. 38°37.453' N, Long. 76°17.045' W; then running 120° True to a point on the shore, defined by Lat. 38°37.426' N, Long. 76°16.984' W; then running southerly and westerly along the shore of Trippe Bay and Brannock Bay to Hills Point defined by Lat. 38°34.358' N, Long. 76°18.292' W; then running 206° True to a point on shore at the north end of James Island, defined by Lat. 38°31.387' N, Long. 76°20.14' W; then running 345° True to Sharps Island Lighthouse, defined by Lat. 38°38.345' N, Long. 76°22.541' W; then running 42° True to a point on shore at Blackwalnut Point defined by Lat. 38°40.239' N, Long. 76°20.373' W; then running northeasterly along the shore of Tilghman Island to a point defined by Lat. 38°41.366' N, Long. 76°19.333' W; then running 107° True to the point of beginning, excluding the area defined as Cook Point Sanctuary in Regulation .15A of this chapter;

(4) All the waters of Somerset County, except Pocomoke Sound, including the Wicomico, Manokin, and Big Annemessex rivers, which are defined as follows:

(a) Wicomico River: easterly of a straight line drawn from the former dwelling of Thomas Tigner near Hains Point to the most southwesterly point of Clay Island. Manokin River: landward or upstream of a straight line joining South Point on Little Deals Island to Hazard Point on the mainland; and

(b) Big Annemessex River: easterly of a straight line from Tenth Point to Porpoise Point; and for the purpose of this section, Tenth Point shall be considered to be the easterly point of the marsh at the entrance of Thru Creek shown on published Chart No. 7 of the Oyster Survey of 1906 to 1912, at a position of latitude 38 degrees, 2 minutes, 19.20 seconds and longitude 75 degrees 51 minutes 39.47 seconds; and Porpoise Point shall be considered to be the most westerly point of the marsh of Pat Island and that part of Tangier Sound, south of a line drawn in an easterly course from Terrapin Sands Point on the west side of Tangier Sound to the channel and then following the channel in a southerly direction to the Virginia Line; and

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

B. Prohibition. A person may not use a power dredge in the areas listed in §A of this regulation.

## **.09 Areas Reserved for Hand Tonging, Exceptions.**

Last Updated on 4/22/2011. For any recent regulatory changes, please visit <http://www.dnr.state.md.us/fisheries/regulations/regindex.html>

Except in areas established as oyster sanctuaries in Regulation .15A of this chapter, oysters may be taken only by hand tongs in the following areas, except that scooping, dredging, or scraping by hand may be permitted by the Department in certain areas reserved for hand tonging when watermen are denied access to oyster taking because of icing conditions.

A. Wicomico River, Charles and St. Mary's Counties: Up river of a line drawn from the southwesternmost point of Cobb Island, to Light "3W" off Shipping Point, to Bushwood Wharf.

B. Breton Bay and St. Clement Bay: All the waters northerly of a line drawn from Huggins Point following the Potomac River Fisheries Commission jurisdictional line southwesterly to buoy PRM 3E, thence northwesterly to the Orange and White Daymark south of Newton Neck, thence southwesterly to the northeast corner of a T pier on the opposite shore of Colton Point.

C. St. George Creek: All the waters northwesterly of a line drawn from a steel tower located on the isthmus of St. George Island northeasterly through St. George Creek Light 4 to the opposite shore.

D. St. Mary's River: The water area enclosed by a line drawn from Cherryfield Point southwesterly along the crab line to buoy A, then southeasterly to Latitude 38°06.58' N Longitude 76°27.02' W a designated point in the River, then northerly to Latitude 38°07.06' N Longitude 76°26.99' W a designated point in the river, then northwesterly to Latitude 38°08.10' N Longitude 76°27.70' W a designated point on shore, thence along shore to the point of beginning.

E. Patuxent River: All the waters up river of a line drawn southwesterly from the southeast tip of land at the western side of Jack Bay to Patuxent River Light 18 then to Cape St. Mary's Marina Breakwater Light, Quick Flashing White, privately maintained, then along the breakwater to shore.

F. South River: All the waters up river of a line drawn from the northeast tip of Turkey Point to South River Daybeacon 5 to Duvall Creek Daybeacon 3 and continuing to shore.

G. Chester River: All the waters up river of a line drawn from the Target on Piney Point on a true bearing of 310° to the opposite shore.

H. Eastern Bay, Cox Creek, and Shipping Creek: All the waters northerly of a line drawn from the southwestern tip of Turkey Point to Cox Creek Light 2 to Cox Creek Daybeacon 1 then continuing to shore.

I. Crab Alley Bay: All the waters northerly of a line drawn from the southeastern tip of Turkey Point to the southernmost tip of Norman's Point.

J. Prospect Bay: All the waters northerly of a line drawn from the southernmost tip of Norman's Point easterly to Prospect Tank on Piney Neck on the opposite shore, and south of the Kent Narrows Bridge.

K. Miles River: All the waters up river of a line drawn from Latitude 38°51.37' Longitude 76°15.22' a designated point on Rich Neck easterly across Eastern Bay to Latitude 38°50.28' Longitude 76°11.81', a designated point on the opposite shore.

L. Wye East River: All the waters up river of a line drawn from the southern tip of Bordley Point westerly to the northern apex of the Queen Anne's—Talbot County line, then following the county line to Latitude 38°51.26' Longitude 76°11.87', then southeasterly to Latitude 38°51.10' Longitude 76°11.57', a designated point on the Talbot County shoreline.

M. Poplar Island Narrows: All the waters enclosed by a line drawn to crab line Target on Lowes Point westerly to the northern tip of North Point on Poplar Island, then southerly along shore to the southern tip of Poplar Island then southeasterly to the orange signal targets on shore at the northern end of Pawpaw Cove.

N. Choptank River, Harris Creek, Broad Creek, and Irish Creek: All the waters north of a line drawn from Upper Bar Neck Point along the county dredge line southeasterly to Buoy "F" then northeasterly to the southwestern tip of Benoni Point.

O. Tred Avon River: All the waters up river of a line drawn from the southeastern tip of Benoni Point to Latitude 38°40.05' Longitude 76°10.11', a designated point on the opposite shore south of Bachelor Point.

Last Updated on 4/22/2011. For any recent regulatory changes, please visit <http://www.dnr.state.md.us/fisheries/regulations/regindex.html>

P. Choptank River: All the waters up river of a line drawn southerly from the southern tip of Howell Point to Choptank River Daymark 19A, thence to Choptank River Light 20, thence to Buoy "B" of the no shellfishing area, and then southwesterly to shore.

Q. Little Choptank River: All the waters up stream of a line drawn from Latitude 38°32.65' Longitude 76°16.60', a designated point on shore on Hills Point Neck, southwesterly to the northeast tip of James Island.

R. Honga River, Fox Creek, and Duck Point Cover: All the waters northerly and westerly of a line drawn westerly from the northwestern tip of Crab Point to Hearn's Cove Light 2, thence to Honga River Light 2, then southeasterly to Honga River Channel Bell Buoy 1A, then southerly to Honga River Light 1, then westerly to the marker on shore at Creek Point.

S. Fishing Bay: All the waters northerly of a line drawn from the southern tip of Bishops Head Point southeasterly to Sharkfin Shoal Light then northeasterly to the southwestern tip of Clay Island.

T. Nanticoke River and Wicomico River Entrance: All the waters of the river bound by a line drawn from the southeasterly tip of Frog Point southeasterly to Wicomico River Lighted Bell Buoy 1 then northeasterly from buoy to buoy or light to #2, #4, #7, #7A, #10, and #12 then to the southeastern tip of Mollies Point.

U. Monie Bay Reserved Oyster Area: All the waters inshore of a line drawn northeasterly from Long Point to Latitude 38°12.63', Longitude 75°51.85', a designated point in Monie Bay, then southwesterly to the eastern entrance to Pigeon House Creek.

V. Holland Straits: All the Somerset County waters in Holland Straits bound by a line drawn from Pry Island following the Dorchester-Somerset County line to Lower Island Point, then southeasterly along the Patent Tong Line to Sound Point, then southerly following the shoreline to the point of beginning.

W. Manokin River: All the waters northerly and westerly of a line drawn from the easterly point of Pin Point southeasterly to Latitude 38°06.51', Longitude 76°55.30', a designated point in the River, then northeasterly to the eastern tip of East Point.

X. Island Creek, Choptank River: All the waters northeasterly of a line drawn from Latitude 38°39.70' N, Longitude 76°09.70' W, a designated point on the western shore to Latitude 38°39.40' N, Longitude 76°09.30' W, a designated point on the eastern shore.

Y. La Trappe Creek, Choptank River: All the waters northerly of a line drawn from Latitude 38°37.68' N, Longitude 76°07.37' W, a designated point on the western shore to Latitude 38°37.61' N, Longitude 76°07.02' W, a designated point on the eastern shore.

## **.10 Dredging with an Auxiliary Yawl Boat.**

A. A dredge boat may be propelled by means of an auxiliary yawl boat carried on the dredge boat to catch oysters in areas where dredge boats are permitted, except in:

- (1) The waters above a line in the Choptank River extending from Horn Point to Martin Point;
- (2) The waters bordering Kent Island south of the William Preston Lane Memorial Bridge and north of a line running due east from Bloody Point Lighthouse; or
- (3) Areas established as oyster sanctuaries in Regulation .15A of this chapter.

B. A dredge boat may be propelled in accordance with §A of this regulation for not more than 2 days from Monday through Friday during the season for dredging oysters.

C. Notice shall be provided to the Department in advance of each day a dredge boat is propelled in accordance with §A of this regulation.

## **.11 General Provisions.**

A. Under the provisions of Natural Resources Article, §4-2A-03, Annotated Code of Maryland, the Secretary may, by regulation, establish or modify a season for taking oysters or a daily catch limit on the quantities of oysters which may be caught from the natural oyster bars of the State to conserve the public resource.

B. Notice of the establishment or amendment may be given by publishing notice in a daily newspaper of general circulation not less than 1 week before the effective date.

C. The Secretary shall make reasonable effort to disseminate public notice through various other media so that an affected person has reasonable opportunity to be informed.

D. Oyster Culling.

(1) A person who catches oysters shall cull the oysters on the natural bar from which they were caught and return every shell to the bar. Any oysters whose shell measures less than 3 inches in length, from hinge to bill, shall be included in the culling and replaced upon the bar from which caught.

(2) A person may not possess more than 5 percent shells and oysters less than the allowable size specified in §E(1) of this regulation. However, a person may possess marketable oysters that have undersized oysters or spat less than 1 inch in length from hinge to bill attached to them that cannot be separated without destroying the small oyster.

E. Fees for Moving Oyster Seed.

(1) Subject to the other conditions and terms agreed to each year, the rates to be paid by the Department to any person for the moving of oyster seed shall be adjusted yearly in coordination with the hiring of the captains to move the seed.

(2) A captain hired to move seed shall be notified of the rates by certified mail.

F. Fees for Purchasing, Hauling, and Planting Fresh Oyster Shell.

(1) Subject to other conditions and terms agreed to each year, the rate to be paid by the Department to any person for the hauling and planting of fresh oyster shell shall be 25 cents per bushel.

(2) The rate to be paid to purchase fresh oyster shell shall be 50 cents per bushel.

G. A licensed commercial oyster harvester may not have more than one type of oyster harvest gear on board a vessel with oysters on board.

## **12 Power Dredging Areas and Permits.**

A. Power Dredge Zone.

(1) Except for the areas reserved for hand tonging in Regulation .09 of this chapter, the areas described in this section are designated as power dredge zones in which an individual may catch oysters by power dredge.

(2) Calvert County. All of the waters of the State that lie contiguous to Calvert County enclosed by a line beginning at a point at the intersection of the Calvert-Saint Mary's county line and the contiguous waters line running from Hog Point to Drum Point defined by Lat. 38°18.883' N, Long. 76°24.683' W; then running 300° True to a point at Drum Point defined by Lat. 38°19.150' N, Long. 76°25.267' W; then running northerly along the shore, excluding all creeks and coves less than

Last Updated on 4/22/2011. For any recent regulatory changes, please visit <http://www.dnr.state.md.us/fisheries/regulations/regindex.html>

300 feet wide at the mouth, to a point on the shore at Cove Point defined by Lat. 38°23.174' N, Long. 76°22.906' W; then running 329° True to a point defined by Lat. 38°25.237' N, Long. 76°24.499' W; then running 321° True to a point defined by Lat. 38°27.127' N, Long. 76°26.455' W; then running 241° True to a point at the shore, defined by Lat. 38°26.769' N, Long. 76°27.277' W; then running northerly along the shore, excluding all creeks and coves less than 300 feet wide at the mouth, to a point defined by Lat. 38°33.482' N, Long. 76°30.924' W; then running 79° True to a point defined by Lat. 38°33.683' N, Long. 76°29.550' W; then running 346° True to a point defined by Lat. 38°34.867' N, Long. 76°29.915' W; then running 50° True to a point defined by Lat. 38°35.933' N, Long. 76°28.283' W; then running 351° True to a point defined by Lat. 38°37.450' N, Long. 76°28.582' W; then running 323° True to a point defined by Lat. 38°39.250' N, Long. 76°30.286' W; then running 256° True to a point at the shore, defined by Lat. 38°38.995' N, Long. 76°31.552' W; then running northerly along the shore, excluding all creeks and coves less than 300 feet wide at the mouth, to a point at the shore south of Chesapeake Beach, defined by Lat. 38°41.278' N, Long. 76°31.974' W; then running 92° True to a point defined by Lat. 38°41.237' N, Long. 76°30.213' W; then running 14° True to a point defined by Lat. 38°42.635' N, Long. 76°29.769' W; then running 92° True to a point at the junction of the Calvert-Anne Arundel-Talbot county line defined by Lat. 38°42.567' N, Long. 76°27.650' W; then running 172° True to a point on the Calvert-Dorchester county line, defined by Lat. 38°30.000' N, Long. 76°25.483' W; then running 147° True to a point on the Calvert-Dorchester county line, defined by Lat. 38°23.183' N, Long. 76°19.967' W; then running 172° True to a point on the Calvert-Dorchester-Saint Mary's county line, defined by Lat. 38°19.633' N, Long. 76°19.299' W; then running 270° True to a point on the Calvert-Saint Mary's county line, defined by Lat. 38°19.617' N, Long. 76°22.883' W; then running 270° True to a point on the Calvert-Saint Mary's county line, defined by Lat. 38°19.617' N, Long. 76°22.983' W; then running 247° True to a point on the Calvert-Saint Mary's county line, defined by Lat. 38°19.600' N, Long. 76°23.033' W; then running 241° True to the point of beginning.

### (3) Dorchester and Wicomico Counties.

(a) Dorchester County. All of the waters of the State that lie contiguous to Dorchester County enclosed by a line beginning at a point on the Dorchester-Somerset County line southwest of Holland Straits, defined by Lat. 38°3.666' N, Long. 76°5.635' W; then running 351° True to a point defined by Lat. 38°9.181' N, Long. 76°6.720' W; then running 261° True to a point on the Dorchester-Saint Mary's county line, defined by Lat. 38°8.325' N, Long. 76°13.931' W; then running 338° True to a point on the Dorchester-Saint Mary's county line, defined by Lat. 38°17.967' N, Long. 76°18.967' W; then running 351° True to a point on the Dorchester-Calvert county line, defined by Lat. 38°23.183' N, Long. 76°19.967' W; then running 328° True to a point on the Dorchester-Calvert county line, defined by Lat. 38°30.000' N, Long. 76°25.483' W; then running 353° True to a point on the Dorchester-Calvert county line, defined by Lat. 38°30.032' N, Long. 76°25.488' W; then running 88° True to a point at the south end of James' Island, defined by Lat. 38°30.177' N, Long. 76°20.302' W; then running 167° True to a point at the entrance of Oyster Creek, defined by Lat. 38°29.215' N, Long. 76°20.022' W; then running southerly along the shore to a point at the north entrance of Punch Island Creek, defined by Lat. 38°25.355' N, Long. 76°17.257' W; then running 161° True to a point at the south entrance of Punch Island Creek, defined by Lat. 38°25.159' N, Long. 76°17.171' W; then running southerly along the shore to a point at the south end of Meekins Neck, defined by Lat. 38°22.039' N, Long. 76°15.771' W; then running 181° True to a point at the north end of N Barren Island, defined by Lat. 38°20.634' N, Long. 76°15.792' W; then running southerly along the shore True to a point at the south end of N Barren Island, defined by Lat. 38°20.014' N, Long. 76°15.643' W; then running 94° True to a point at the north end of S. Barren Island, defined by Lat. 38°20.001' N, Long. 76°15.425' W; then running southerly along the shore to a point at the south end of S. Barren Island, defined by Lat. 38°19.478' N, Long. 76°15.399' W; then running 124° True to a point on the shore at Pons Point defined by Lat. 38°18.425' N, Long. 76°13.394' W; then running southeasterly along the shore to a point at the north end of Narrows Ferry Bridge, defined by Lat. 38°17.917' N, Long. 76°12.389' W; then running 155° True to a point at the south end of Narrows Ferry Bridge, defined by Lat. 38°17.676' N, Long. 76°12.250' W; then running southerly along the shore to a point on the shore at Richland Point defined by Lat. 38°14.845' N, Long. 76°10.330' W; then running 132° True to a point on the shore at Cow Point defined by Lat. 38°14.553' N, Long. 76°9.922' W; then running 126° True to a point on the shore at Fishing Point defined by Lat. 38°14.065' N, Long. 76°9.065' W; then running easterly along the shore to a point at the easterly tip of Lower Hoopers Island, defined by Lat. 38°14.339' N, Long. 76°7.550' W; then running 120° True to a point defined by Lat. 38°13.925' N, Long. 76°6.634' W; then running 152° True to a point defined by Lat. 38°13.230' N, Long. 76°6.170' W; then running 163° True to a point near a Navy maintained tower, defined by Lat. 38°11.683' N, Long. 76°5.587' W; then running 120° True to a point on the shore at Okahanikan Point defined by Lat. 38°11.536' N, Long. 76°5.258' W; then running 184° True to a point on the shore at the north end of Adams Island, defined by Lat. 38°9.084' N, Long. 76°5.482' W; then running 178° True to a point on the shore at the north end of Holland Island, defined by Lat. 38°7.351' N, Long. 76°5.419' W; then running 179° True to a point on the shore at the south end of Holland Island, defined by Lat. 38°6.903' N, Long. 76°5.409' W; then running 132° True to a point at the intersection of the contiguous waters line across Holland and Kedges Straits and the Dorchester-

Somerset County line, defined by Lat. 38°5.705' N, Long. 76°3.740' W; then running 201° True to a point on the Dorchester-Somerset County line, defined by Lat. 38°3.690' N, Long. 76°4.708' W; then running 268° True to the point of beginning.

(b) Dorchester County and Honga River Area. The power dredge zone consists of the waters of the State that lie within Dorchester County beginning at a point at or near the shore of Lower Hooper Island, defined by Lat. 38°14'20.3" N. and Long. 76°07'33.0" W.; then running northwesterly along the shore of Lower Hooper Island to a point at or near the shore of Lower Hooper Island, defined by Lat. 38°14'55.9" N. and Long. 76°09'11.5" W.; then running approximately 276° True to a point at or near the shore of Middle Hooper Island, defined by Lat. 38°14'56.4" N. and Long. 76°09'16.7" W.; then running northerly along the shore of Middle Hooper Island to a point at or near the shore at the south end of Narrows Ferry Bridge, defined by Lat. 38°17'40.5" N. and Long. 76°12'15.0" W.; then running approximately 335° True to a point at or near the shore at the north end of Narrows Ferry Bridge, defined by Lat. 38°17'55.0" N. and Long. 76°12'23.4" W.; then running northerly along the shore of Upper Hooper Island to a point at or near corner 5 of Natural Oyster Bar 23-1, defined by Lat. 38°20'53.1" N. and Long. 76°13'28.9" W.; then running approximately 332° True to a point at or near corner 6 of Natural Oyster Bar 23-1, defined by Lat. 38°21'5.7" N. and Long. 76°13'37.5" W.; then running northerly along the shore of Meekins Neck to a point at or near corner 7 of Natural Oyster Bar 23-1, defined by Lat. 38°21'23.7" N. and Long. 76°13'42.7" W.; running approximately 346° True to a point at or near corner 8 of Natural Oyster Bar 23-1, defined by Lat. 38°22'0.5" N. and Long. 76°13'54.7" W.; then running approximately 100° True to a point at or near corner 9 of Natural Oyster Bar 23-1, defined by Lat. 38°21'53.4" N. and Long. 76°13'2.7" W.; then running easterly along the shore to a point at or near corner 10 of Natural Oyster Bar 23-1, defined by Lat. 38°22'4.7" N. and Long. 76°12'24.1" W.; then running approximately 76° True to a point at or near corner 11 of Natural Oyster Bar 23-1, defined by Lat. 38°22'8.9" N. and Long. 76°12'2.3" W.; then running southerly along the shore of Kirwan Neck to a point at or near corner 12 of Natural Oyster Bar 23-1, defined by Lat. 38°21'45.3" N. and Long. 76°11'44.5" W.; then running approximately 134° True to a point at or near corner 13 of Natural Oyster Bar 23-1, defined by Lat. 38°20'41.4" N. and Long. 76°10'19.9" W.; then running southerly along the shore of Kirwan Neck to a point at or near corner 14 of Natural Oyster Bar 23-1, defined by Lat. 38°20'14.0" N. and Long. 76°10'21.7" W.; then running approximately 231° True to a point at or near corner 1 of Natural Oyster Bar 23-1, defined by Lat. 38°20'2.7" N. and Long. 76°10'39.4" W.; then running southwestwardly along the north shore of Wroten Island to a point at or near the south tip of Wroten Island, defined by Lat. 38°18'58.1" N. and Long. 76°11'38.8" W.; then running easterly along the southside of Wroten Island to a point at or near corner 4 of Natural Oyster Bar 23-5, defined by Lat. 38°19'28.5" N. and Long. 76°10'27.6" W.; then running approximately 90° True to a point at or near corner 5 of Natural Oyster Bar 23-5, defined by Lat. 38°19'28.5" N. and Long. 76°10'23.9" W.; then running southerly along the shore of Parks Neck, Lakes Cove, and Asquith Island to a point at or near corner 7 of Natural Oyster Bar 23-10, defined by Lat. 38°16'17.6" N. and Long. 76°08'53.7" W.; then running easterly and southerly along the shore of Asquith Island, Fox Creek, Duck Point Cove, and Jimson Weed Marsh to a point at or near corner 1 of Natural Oyster Bar 23-9, defined by Lat. 38°15'46.2" N. and Long. 76°06'26.4" W.; then running approximately 214° True to a point at or near the intersection of the existing Hand Tong Only and Dredge lines, defined by Lat. 38°14'58.4" N. and Long. 76°07'8.0" W.; then running approximately 125° True to a point at or near Honga River Channel Bell Buoy 1A, defined by Lat. 38°14'50.7" N. and Long. 76°06'53.8" W.; then running approximately 169° True to a point at or near Honga River Light 1, defined by Lat. 38°13'55.5" N. and Long. 76°06'38.0" W.; then running approximately 300° True to the point of beginning at or near the shore of Lower Hooper Island, defined by Lat. 38°14'20.3" N. and Long. 76°07'33.0" W.

(c) Fishing Bay Area. The power dredge zone consists of the waters of the State that lie within Dorchester and Wicomico Counties beginning at a point at or near G Pile on the Dorchester-Somerset County Line, defined by Lat. 38°08'50.7" N. and Long. 76°01'52.4" W.; then running approximately 17° True to a point at or near the shore of Bloodworth Island at Great Cove Point defined by Lat. 38°10'18.6" N. and Long. 76°01'18.9" W.; then running northerly along the shore of Bloodworth Island to a point at or near the south entrance of Piney Island Cove, defined by Lat. 38°10'58.7" N. and Long. 76°01'34.0" W.; then running approximately 322° True to a point at or near the north entrance of Piney Island Cove, defined by Lat. 38°11'34.4" N. and Long. 76°02'9.8" W.; then running northwesterly along the shore of Bloodworth Island to a point at or near Tigs Point, defined by Lat. 38°12'23.6" N. and Long. 76°03'41.3" W.; then running approximately 69° True along the existing Dredge Line to a point at or near Bishops Head Point, defined by Lat. 38°12'55.5" N. and Long. 76°01'56.3" W.; then running northerly along the shore of Fishing Bay to a point at or near corner 2 of Natural Oyster Bar 28-2, defined by Lat. 38°14'35.8" N. and Long. 76°02'45.3" W.; then running approximately 1° True to a point at or near corner 3 of Natural Oyster Bar 28-2, defined by Lat. 38°14'56.8" N. and Long. 76°02'44.9" W.; then running northerly along the shore of Fishing Bay to a point at or near corner 3 of Natural Oyster Bar 24-10, defined by Lat. 38°16'12.6" N. and Long. 76°01'57.4" W.; then running approximately 14° True to a point at or near corner 4 of Natural Oyster Bar 24-10, defined by Lat. 38°16'39.8" N. and Long. 76°01'48.8" W.; then running northerly along the shore of Little Creek Marsh to a point at or near corner 3 of Natural Oyster Bar 24-7, defined by Lat. 38°18'11.5" N. and Long. 76°02'58.8" W.; then

running approximately 0° True to a point at or near corner 4 of Natural Oyster Bar 24-7, defined by Lat. 38°18'32.4" N. and Long. 76°02'58.9" W.; then running northeasterly along the shore of Cedar Creek Marsh to a point at or near corner 5 of Natural Oyster Bar 24-7, defined by Lat. 38°18'51.5" N. and Long. 76°02'46.4" W.; then running approximately 4° True to a point at or near corner 6 of Natural Oyster Bar 24-7, defined by Lat. 38°18'58.6" N. and Long. 76°02'45.7" W.; then running northeasterly along the shore of Cedar Creek Marsh to a point at or near corner 7 of Natural Oyster Bar 24-7, defined by Lat. 38°19'16.6" N. and Long. 76°02'33.3" W.; then running approximately 56° True to a point at or near corner 8 of Natural Oyster Bar 24-7, defined by Lat. 38°19'18.2" N. and Long. 76°02'30.2" W.; then running easterly along the shore of Cedar Creek Marsh to a point at or near corner 9 of Natural Oyster Bar 24-7, defined by Lat. 38°19'28.8" N. and Long. 76°01'53.3" W.; then running approximately 182° True to a point at or near corner 10 of Natural Oyster Bar 24-7, defined by Lat. 38°19'27.1" N. and Long. 76°01'53.3" W.; then running approximately 144° True to a point at or near corner 5 of Natural Oyster Bar 24-6, defined by Lat. 38°18'33.4" N. and Long. 76°01'3.9" W.; then running southeasterly along the east shore of Fishing Bay to a point at or near the southwest end of Clay Island, defined by Lat. 38°13'58.2" N. and Long. 75°58'21.1" W.; then running northeasterly along the shore of Clay Island to a point at or near Sandy Point, defined by Lat. 38°14'48.2" N. and Long. 75°56'23.1" W.; then running approximately 96° True to a point at or near the shore north of Jones Creek, defined by Lat. 38°14'38.1" N. and Long. 75°54'21.1" W.; then running southeasterly along the shore of Stump Point Marsh to a point at or near Mollie Point, defined by Lat. 38°13'44.7" N. and Long. 75°53'1.7" W.; then running approximately 91° True to point at or near the Wicomico-Somerset County Line, defined by Lat. 38°13'44.2" N. and Long. 75°52'14.3" W.; then running approximately 183° True to a point at or near the Wicomico-Somerset County Line, defined by Lat. 38°12'53.3" N. and Long. 75°52'18.1" W.; then running approximately 210° True to a point at or near the Wicomico-Somerset County Line, defined by Lat. 38°12'50.1" N. and Long. 75°52'20.5" W.; then running approximately 255° True to a point at or near the Wicomico-Somerset County Line, defined by Lat. 38°12'44.2" N. and Long. 75°52'48.9" W.; then running approximately 283° True to a point at or near the Wicomico-Somerset County Line, defined by Lat. 38°12'54.8" N. and Long. 75°53'48.6" W.; then running approximately 251° True to a point at or near the Wicomico-Somerset County Line, defined by Lat. 38°12'19.0" N. and Long. 75°55'58.3" W.; then running approximately 274° True to a point at or near the intersection of the Wicomico-Somerset County Line and the Dorchester County Line, defined by Lat. 38°12'24.2" N. and Long. 75°57'28.0" W.; then running approximately 230° True to a point at or near the Dorchester-Somerset County Line, defined by Lat. 38°11'50.2" N. and Long. 75°58'19.5" W.; then running approximately 230° True to a point at or near buoy "C" on an existing crab line south of Sharkfin Shoal Lighthouse, defined by Lat. 38°11'10.0" N. and Long. 75°59'20.3" W.; then running approximately 186° True to a point at or near buoy "A" on the intersection of an existing crab line and the Dorchester-Somerset County Line, defined by Lat. 38°09'47.5" N. and Long. 75°59'31.0" W.; then running approximately 243° True to the point of beginning at or near G Pile on the Dorchester-Somerset County Line, defined by Lat. 38°08'50.7" N. and Long. 76°01'52.4" W.

(4) St. Mary's County and St. Marys River.

(a) St. Mary's County. All of the waters of the State that lie contiguous to Saint Mary's County enclosed by a line beginning at a point on the shore at the north side of the north jetty at Smith Point defined by Lat. 37°53.383' N, Long. 76°14.217' W; then running 335° True to a point on the shore at Point Lookout, defined by Lat. 38°2.250' N, Long. 76°19.332' W; then running 107° True to a point defined by Lat. 38°2.172' N, Long. 76°19.016' W; then running 90° True to a point defined by Lat. 38°2.169' N, Long. 76°18.358' W; then running 22° True to a point defined by Lat. 38°3.009' N, Long. 76°17.932' W; then running 271° True to a point on the shore, defined by Lat. 38°3.020' N, Long. 76°19.268' W; then running northerly along the shore, excluding all creeks and coves less than 300 feet in width to a point on the shore south of Cedar Point defined by Lat. 38°15.005' N, Long. 76°23.805' W; then running 90° True to a point defined by Lat. 38°15.007' N, Long. 76°22.456' W; then running 44° True to a point defined by Lat. 38°15.723' N, Long. 76°21.578' W; then running 353° True to a point defined by Lat. 38°17.936' N, Long. 76°21.913' W; then running 269° True to a point on the shore at Cedar Point defined by Lat. 38°17.932' N, Long. 76°22.384' W; then running 76° True to a point at the intersection of the Saint Mary's-Calvert-Dorchester county line, defined by Lat. 38°18.602' N, Long. 76°19.088' W; then running 171° True to a point Saint Mary's-Dorchester county line, defined by Lat. 38°17.967' N, Long. 76°18.967' W; then running 158° True to a point Saint Mary's-Dorchester county line, defined by Lat. 38°4.583' N, Long. 76°11.983' W; then running 189° True to a point Saint Mary's-Somerset county line at the south jetty at Smith Point defined by Lat. 37°53.400' N, Long. 76°14.167' W; then running 247° True to the point of beginning.

(b) St. Mary's River. All of the waters of the State that lie in Saint Mary's County, enclosed by a line beginning at a point Jurisdictional Marker PRM2A, defined by Lat. 38°6.360' N, Long. 76°25.301' W; then running 272° True to a point Jurisdictional Marker PRM2B, defined by Lat. 38°6.426' N, Long. 76°27.899' W; then running 272° True to a point on the shore at St. George's Island, defined by Lat. 38°6.427' N, Long. 76°27.937' W; then running northeasterly along the shore to a point at the northeast end of a jetty, defined by Lat. 38°6.637' N, Long. 76°27.750' W; then running 269° True to a

point on the shore of St. George's Island, defined by Lat. 38°6.635' N, Long. 76°27.966' W; then running northwesterly along the shore to a point on the shore at Ball Point defined by Lat. 38°7.252' N, Long. 76°28.377' W; then running 30° True to a point on the shore at Cherryfield Point defined by Lat. 38°7.742' N, Long. 76°28.022' W; then running 111° True to a point at Natural Oyster Bar corner 27-16-2, defined by Lat. 38°7.685' N, Long. 76°27.832' W; then running 39° True to a point defined by Lat. 38°7.971' N, Long. 76°27.534' W; then running 353° True to a point at Natural Oyster Bar corner 27-16-4, defined by Lat. 38°8.371' N, Long. 76°27.594' W; then running westerly along the shore to a point on the shore at the south end of the MDE conditional line at Edmund Point defined by Lat. 38°8.370' N, Long. 76°27.677' W; then running 330° True to a point defined by Lat. 38°8.934' N, Long. 76°28.084' W; then running 335° True to a point at the north end of the MDE restricted line at Josh Point defined by Lat. 38°9.178' N, Long. 76°28.227' W; then running northeasterly along the shore to a point on the shore south of Pagan Point defined by Lat. 38°11.279' N, Long. 76°26.639' W; then running 89° True to a point on the shore at Church Point defined by Lat. 38°11.286' N, Long. 76°26.263' W; then running southerly along the shore to a point on the shore at Rosecroft Point defined by Lat. 38°9.582' N, Long. 76°26.256' W; then running 141° True to a point on the south side of Saint Inigoes Creek, defined by Lat. 38°9.312' N, Long. 76°25.981' W; then running southerly along the shore to a point on the shore at Kitts Point defined by Lat. 38°6.365' N, Long. 76°25.280' W; then running 252° True to the point of beginning.

(5) Somerset County.

(a) Kedges Straits. The power dredge zone consists of the waters of the State that lie within Somerset County beginning at a point at or near the shore of Smith Island at Fog Point, defined by Lat. 038°02'2.4"N., Long. 076°02'29.7" W., then running approximately 57° True to a point at or near Solomons Lump Lighthouse, defined by Lat. 038°02'53.0" N., Long. 076°00'53.0" W., then running approximately 3° True to a point at or near Sheepshead Point, defined by Lat. 038°04'17.0" N., Long. 076°00'47.3" W., then running approximately 285° True to a point at or near the westerly entrance of Sheepshead Bay, defined by Lat. 038°04'32.0" N., Long. 076°01'58.5" W., then running approximately 311° True along the west side of South Marsh Island to a point at or near Sedgy Point defined by Lat. 038°05'30.5" N., Long. 076°03'23.8" W. then running approximately 305° True to a point at or near Pry Island defined by Lat. 038°05'40.5" N., Long. 076°03'42.0" W., then running approximately 203° to a point at or near the intersection of the Somerset-Dorchester county line and the line demarcating the waters contiguous to Somerset County depicted on Chart 32 of the Oyster Survey of 1906—1912 and amendments, defined by Lat. 038°04'46.8" N., Long. 076°04'10.8" W., then running approximately 150° True to the point of beginning at or near the shore of Smith Island at Fog Point, defined by Lat. 038°02'2.4" N., Long. 076°02'29.7" W.

(b) Contiguous Waters. All of the waters of the State that lie contiguous to Somerset County, enclosed by a line beginning at a point at Maryland-Virginia Boundary defined by Lat. 37°53.193' N, Long. 76°14.198' W; then running 7° True to a point on the shore on the north side of the north jetty at Smith Point defined by Lat. 37°53.401' N, Long. 76°14.166' W; then running 9° True to a point on the Somerset-Dorchester-Saint Mary's county line, defined by Lat. 38°3.498' N, Long. 76°12.198' W; then running 88° True to a point on the Somerset-Dorchester county line, defined by Lat. 38°3.517' N, Long. 76°11.532' W; then running 162° True to a point defined by Lat. 37°59.798' N, Long. 76°9.965' W; then running 103° True to a point defined by Lat. 37°58.800' N, Long. 76°4.680' W; then running 351° True to a point on the Somerset-Dorchester county line, defined by Lat. 38°3.667' N, Long. 76°5.636' W; then running 88° True to a point on the Somerset-Dorchester County line, defined by Lat. 38°3.690' N, Long. 76°4.707' W; then running 21° True to a point on the intersection of the Somerset-Dorchester county line and the contiguous waters line, defined by Lat. 38°4.781' N, Long. 76°4.181' W; then running 154° True to a point on the shore at Fog Point defined by Lat. 38°2.040' N, Long. 76°2.495' W; then running southerly along the shore to a point on the shore at Channel Point defined by Lat. 38°0.567' N, Long. 76°2.956' W; then running 183° True to a point on the shore at Goose Point defined by Lat. 37°59.454' N, Long. 76°3.039' W; then running southerly along the shore to a point on the shore, at its intersection with the Maryland-Virginia line, defined by Lat. 37°57.212' N, Long. 76°2.819' W; then running 270° True to a point defined by Lat. 37°57.213' N, Long. 76°3.119' W; then running 245° True to the point of beginning.

(c) Great Rock. The power dredge zone consists of the waters of the State that lie within Somerset County beginning at a point at or near the United States Coast Guard-maintained Buoy 8, defined by Lat. 037°57'55.7" N., Long. 075°55'47.6" W., then running approximately 103° True to a point at or near Janes Island Light, defined by Lat. 037°57'48.2" N., Long. 075°55'6.5" W., then running approximately 105° True to a point at or near the north end of Great Point, defined by Lat. 037°57'27.7" N., Long. 075°53'31.2" W., then running approximately 188° True to a point at or near the Maryland-Virginia state line, defined by Lat. 037°54'36.6" N., Long. 075°54'1.0" W., then running approximately 266° True to a point at or near the Maryland-Virginia state line, defined by Lat. 037°54'27.7" N., Long. 075°56'25.8" W., then running approximately 8° True to the point of beginning at or near the United States Coast Guard-maintained Buoy 8, defined by Lat. 037°57'55.7" N., Long. 075°55'47.6" W.

Last Updated on 4/22/2011. For any recent regulatory changes, please visit <http://www.dnr.state.md.us/fisheries/regulations/regindex.html>

(d) Smith Island. The power dredge zone consists of the waters of the State that lie within Somerset County beginning at a point at or near the United States Coast Guard-maintained Buoy RG at the entrance of the Manokin River, defined by Lat. 038°02'14.6" N., Long. 075°55'26.3" W., then running approximately 177° True to a point at or near Janes Island Light, defined by Lat. 037°57'48.2" N., Long. 075°55'6.5" W., then running approximately 260° True to a point at or near the State-maintained front range marker at the corner of the Maryland-Virginia state line at Horse Hammock, defined by Lat. 037°57'12.2" N., Long. 075°59'36.7" W., then running approximately 21° True to a point at or near Terrapin Sands Point, defined by Lat. 038°00'13.8" N., Long. 075°58'10.7" W., then running approximately 318° True to a point at or near the east end of Fishing Point, defined by Lat. 038°02'12.4" N., Long. 076°00'26.6" W., then running approximately 39° True to a point at or near the United States Coast Guard-maintained Buoy 5 in Kedges Strait defined by Lat. 038°02'59.5" N., Long. 075°59'38.2" W., then running approximately 103° True to the point of beginning at or near the United States Coast Guard-maintained Buoy RG at the entrance of the Manokin River, defined by Lat. 038°02'14.6" N., Long. 075°55'26.3" W.

(e) Manokin River. All of the waters of the State that lie within Somerset County enclosed by a line beginning at a point in the mouth of the Manokin River, defined by Lat. 38°2.243' N, Long. 75°55.438' W; then running 1° True to a point defined by Lat. 38°6.094' N, Long. 75°55.389' W; then running 126° True to a point on the shore at Hazard Point defined by Lat. 38°4.571' N, Long. 75°52.694' W; then running southeasterly along the shore to a point on the shore at Porpoise Point defined by Lat. 38°3.648' N, Long. 75°52.422' W; then running easterly along the shore to a point on the shore at Scott's Point defined by Lat. 38°3.544' N, Long. 75°48.794' W; then running 134° True to a point on the shore at Long Point defined by Lat. 38°3.184' N, Long. 75°48.326' W; then running 252° True to a point defined by Lat. 38°2.802' N, Long. 75°49.819' W; then running 251° True to a point on the shore at Tenth Point defined by Lat. 38°2.303' N, Long. 75°51.610' W; then running southwesterly along the shore to a point on the shore at Flatcap Point defined by Lat. 38°2.147' N, Long. 75°52.160' W; then running 272° True to a point defined by Lat. 38°2.217' N, Long. 75°54.349' W; then running 44° True to a point defined by Lat. 38°2.500' N, Long. 75°54.000' W; then running 316° True to a point defined by Lat. 38°2.717' N, Long. 75°54.267' W; then running 224° True to a point defined by Lat. 38°2.433' N, Long. 75°54.615' W; then running 136° True to a point defined by Lat. 38°2.217' N, Long. 75°54.349' W; then running 272° True to the point of beginning.

(f) Pocomoke Sound. The power dredge zone consists of the waters of the State that lie within Somerset County beginning at a point at or near Maryland-Virginia Line Corner A in Pocomoke Sound, defined by Lat. 37°54'43.9" N. and Long. 75°48'3.8" W.; then running approximately 330° True to a point at or near the shore on Ware Point, defined by Lat. 37°56'20.7" N. and Long. 75°49'14.8" W.; then running along the north shore of Pocomoke Sound, including Ape Hole Creek and East Creek then running along the shore to a point at or near Tulls Point at the west end of an existing Maryland Department of the Environment conditional line, defined by Lat. 37°57'46.5" N. and Long. 75°44'14.4" W., then running approximately 83° True to a point, defined by Lat. 37°57'51.9" N. and Long. 75°43'16.6" W.; then running approximately 85° True to a point, defined by Lat. 37°57'55.4" N. and Long. 75°42'26.4" W.; then running approximately 84° True to a point at or near the shore near the Handy Lodge, defined by Lat. 37°58'0.2" N. and Long. 75°41'25.2" W.; then running along the north shore of Pocomoke Sound to a point at or near the shore on the northeasterly entrance to Fair Island Channel, defined by Lat. 37°57'47.5" N. and Long. 75°39'19.7" W.; then running approximately 60° True to a point at or near Maryland-Virginia Line Corner N, defined by Lat. 37°57'59.1" N. and Long. 75°38'54.9" W.; then running approximately 179° True to a point at or near Maryland-Virginia Line Corner M, defined by Lat. 37°56'48.1" N. and Long. 75°38'53.6" W.; then running approximately 256° True to a point at or near Maryland-Virginia Line Corner L, defined by Lat. 37°56'42.6" N. and Long. 75°39'22.2" W.; then running approximately 298° True to a point at or near Maryland-Virginia Line Corner K, defined by Lat. 37°56'59.6" N. and Long. 75°40'2.6" W.; then running approximately 286° True to a point at or near Maryland-Virginia Line Corner J, defined by Lat. 37°57'19.1" N. and Long. 75°41'30.1" W.; then running approximately 266° True to a point at or near Maryland-Virginia Line Corner H, defined by Lat. 37°57'16.3" N. and Long. 75°42'17.2" W.; then running approximately 254° True to a point at or near Maryland-Virginia Line Corner D, defined by Lat. 37°56'28.4" N. and Long. 75°45'42.3" W.; then running approximately 227° True to the point of beginning at or near Maryland-Virginia Line Corner A in Pocomoke Sound, defined by Lat. 37°54'43.9" N. and Long. 75°48'3.8" W.

(6) Talbot County. All of the waters of the State that lie in Talbot County, enclosed by a line beginning at a point on the shore at Chlora Point defined by Lat. 38°38.225' N, Long. 76°8.818' W; then running 302° True to a point at Choptank River Lighthouse, defined by Lat. 38°39.344' N, Long. 76°11.069' W; then running 287° True to a point on the shore at Upper Bar Neck Point defined by Lat. 38°41.366' N, Long. 76°19.333' W; then running northwesterly along the shore to a point on the shore, defined by Lat. 38°42.240' N, Long. 76°19.998' W; then running 67° True to a point defined by Lat. 38°42.825' N, Long. 76°18.214' W; then running 193° True to a point defined by Lat. 38°42.667' N, Long. 76°18.262' W; then running 86° True to a point on the shore west of Nelson Point defined by Lat. 38°42.767' N, Long. 76°16.527' W; then running southeasterly along the shore to a point on the shore at Nelson Point defined by Lat. 38°42.549' N, Long.

Last Updated on 4/22/2011. For any recent regulatory changes, please visit <http://www.dnr.state.md.us/fisheries/regulations/regindex.html>

76°16.281' W; then running 61° True to a point on the south side of Bridge Creek, defined by Lat. 38°43.440' N, Long. 76°14.196' W; then running southerly along the shore to a point on the shore at Holland Point defined by Lat. 38°41.879' N, Long. 76°13.611' W; then running 186° True to a point defined by Lat. 38°41.838' N, Long. 76°13.617' W; then running 92° True to a point on the shore at Lucy Point defined by Lat. 38°41.825' N, Long. 76°13.178' W; then running 150° True to a point on the shore of Ferry Neck, defined by Lat. 38°40.354' N, Long. 76°12.083' W; then running 144° True to a point on the shore at Benoni Point defined by Lat. 38°40.247' N, Long. 76°11.982' W; then running 97° True to a point on the shore at the north side of Boone Creek, defined by Lat. 38°40.070' N, Long. 76°10.117' W; then running 115° True to a point on the shore at the south side of Boone Creek, defined by Lat. 38°40.011' N, Long. 76°9.954' W; then running then running southeasterly along the shore to a point on the shore at the north side of Island Creek, defined by Lat. 38°39.696' N, Long. 76°9.694' W; then running 133° True to a point on the shore at the south side of Island Creek, defined by Lat. 38°39.410' N, Long. 76°9.298' W; then running southeasterly along the shore to the point of beginning.

B. The Department may establish a program at the beginning of the power dredge season to purchase oysters at not less than market price from an individual who has a power dredge permit or a seafood dealer license to be transplanted for restoration purposes to the oyster sanctuaries established in §B of this regulation.

#### C. Power Dredge Permit.

(1) A person shall be permitted by the Department before the person may catch or attempt to catch oysters with a power dredge in the waters of the State.

(2) The Department may issue a power dredge permit only to the holder of an oyster harvester license.

(3) A person with a valid power dredge permit may use a power dredge bar with a maximum size of 42 inches and no minimum size.

D. Power Dredge Study Areas. An individual may catch oysters only by power dredge in the areas listed in §D(1) and (2) of this regulation.

#### (1) Queen Anne's County Power Dredge Study Areas:

(a) All of the waters of Eastern Bay enclosed by a line beginning at a point defined by Lat. 38°53.805' N, Long. 76°15.450' W; then running 274° True to a point defined by Lat. 38°53.831' N, Long. 76°15.920' W; then running 313° True to a point defined by Lat. 38° 4.060' N, Long. 76° 16.230' W; then running 53° True to a point defined by Lat. 38°54.482' N, Long. 76°15.511' W; then running 91° True to a point defined by Lat. 38°54.476' N, Long. 76°15.059' W; then running 199° True to a point defined by Lat. 38°54.130' N, Long. 76°15.213' W; then running 210° True to the point of beginning; and

(b) All of the waters of Eastern Bay enclosed by a line beginning at a point defined by Lat. 38°52.672' N, Long. 76°18.659' W; then running 304° True to a point defined by Lat. 38°52.995' N, Long. 76°19.265' W; then running 36° True to a point defined by Lat. 38°53.465' N, Long. 76°18.825' W; then running 122° True to a point defined by Lat. 38°53.160' N, Long. 76°18.211' W; then running 216° True to the point of beginning.

(2) Kent County Power Dredge Study Area. All of the waters of the Chesapeake Bay enclosed by a line beginning at a point defined by Lat. 39°7.690' N, Long. 76°18.868' W; then running 5° True to a point defined by Lat. 39°8.482' N, Long. 76°18.772' W; then running 111° True to a point defined by Lat. 39°8.258' N, Long. 76°18.038' W; then running 111° True to a point defined by Lat. 39°8.114' N, Long. 76°17.546' W; then running 170° True to a point defined by Lat. 39°7.603' N, Long. 76°17.432' W; then running 272° True to a point defined by Lat. 39°7.623' N, Long. 76°18.167' W; then running 277° True to the point of beginning.

## 13 Harvest Reserve Area — Definition and Listing.

#### A. Definitions.

(1) In this regulation and Regulation .14 of this chapter, the following terms have the meaning indicated.

Last Updated on 4/22/2011. For any recent regulatory changes, please visit <http://www.dnr.state.md.us/fisheries/regulations/regindex.html>

(2) Terms Defined.

(a) "Harvest reserve" means an area designated by the Department for the restoration and harvesting of oysters on a rotational basis.

(b) "Restoration" means an action to provide ecological benefits and increase oyster population.

(c) "Harvest" means to take, kill, trap, gather, catch, or in any manner reduce any oyster to personal possession or to attempt to engage in this conduct.

B. Harvest Reserve Areas.

(1) Chester River.

(a) Blunt Oyster Reserve. The reserve consists of all of the area enclosed by a line beginning at or near Natural Oyster Bar 7-3 corner 7-3-1, defined by Lat. 38°58.643' N, Long. 76°12.382' W; then running approximately 331° True to a point at or near corner 7-3-2, defined by Lat. 38°58.960' N, Long. 76°12.602' W; then running approximately 45° True to a point at or near corner 7-3-3, defined by Lat. 38°59.557' N, Long. 76°11.830' W; then running approximately 97° True to a point at or near corner 7-3-4, defined by Lat. 38°59.515' N, Long. 76°11.385' W; then running approximately 222° True to the point of beginning.

(b) Boathouse Reserve. The reserve consists of all of the area of the Chester River enclosed by a line beginning at a point defined by Lat. 39°06.034' N, Long. 76°10.248' W; then running approximately 279° True to a point defined by Lat. 39°06.099' N, Long. 76°10.803' W; then running approximately 29° True to a point defined by Lat. 39°06.648' N, Long. 76°10.412' W; then running approximately 37° True to a point defined by Lat. 39°06.748' N, Long. 76°10.316' W; then running approximately 53° True to a point defined by Lat. 39°06.989' N, Long. 76°09.901' W; then running approximately 196° True to the point of beginning.

(c) Coppers Hill Reserve. The reserve consists of all of the area of the Chester River enclosed by a line beginning at a point defined by Lat. 39°02.702' N, Long. 76°11.911' W; then running approximately 285° True to a point defined by Lat. 39°02.724' N, Long. 76°12.018' W; then running approximately 28° True to a point defined by Lat. 39°02.911' N, Long. 76°11.890' W; then running approximately 118° True to a point defined by Lat. 39°02.883' N, Long. 76°11.821' W; then running approximately 201° True to the point of beginning.

(d) Devils Playground Reserve. The reserve consists of all of the area of the Chester River enclosed by a line beginning at a point defined by Lat. 38°59.950' N, Long. 76°11.929' W; then running approximately 302° True to a point defined by Lat. 39°00.079' N, Long. 76°12.194' W; then running approximately 21° True to a point defined by Lat. 39°00.356' N, Long. 76°12.056' W; then running approximately 89° True to a point defined by Lat. 39°00.362' N, Long. 76°11.542' W; then running approximately 201° True to a point defined by Lat. 39°00.036' N, Long. 76°11.703' W; then running approximately 244° True to the point of beginning.

(e) Emory Hollow Oyster Reserve. The reserve consists of all of the area enclosed by a line beginning at a point at or near Natural Oyster Bar 5-16 corner 5-16-1, defined by Lat. 39°06.088' N, Long. 76°07.805' W; then running approximately 338° True to a point at or near corner 5-16-2, defined by Lat. 39°06.168' N, Long. 76°07.847' W; then running approximately 70° True to a point at or near corner 5-16-3, defined by Lat. 39°06.347' N, Long. 76°07.217' W; then running approximately 158° True to a point at or near corner 5-16-4, defined by Lat. 39°06.267' N, Long. 76°07.177' W; then running approximately 250° True to the point of beginning.

(f) Horse Race Reserve. The reserve consists of all of the area of the Chester River enclosed by a line beginning at a point defined by Lat. 39°01.222' N, Long. 76°11.157' W; then running approximately 333° True to a point defined by Lat. 39°01.628' N, Long. 76°11.421' W; then running approximately 65° True to a point defined by Lat. 39°01.814' N, Long. 76°10.912' W; then running approximately 159° True to a point defined by Lat. 39°01.233' N, Long. 76°10.631' W; then running approximately 268° True to the point of beginning.

(g) Hudson Bar Reserve. The reserve consists of all of the area of the Chester River enclosed by a line beginning at a point defined by Lat. 39°05.808' N, Long. 76°10.594' W; then running approximately 359° True to a point defined by Lat. 39°05.877' N, Long. 76°10.595' W; then running approximately 76° True to a point defined by Lat. 39°05.893' N, Long. 76°10.511' W; then running approximately 174° True to a point defined by Lat. 39°05.771' N, Long. 76°10.495' W; then running approximately 191° True to a point defined by Lat. 39°05.740' N, Long. 76°10.503' W; then running approximately 314° True to the point of beginning.

(h) Philadelphia Hill Oyster Reserve. The reserve consists of all of the area enclosed by a line beginning at a point defined by Lat. 39°06.220' N, Long. 76°08.440' W; then running approximately 96° True to a point defined by Lat. 39°06.210' N, Long. 76°08.310' W; then running approximately 72° True to a point defined by Lat. 39°06.240' N, Long. 76°08.190' W; then running approximately 308° True to a point defined by Lat. 39°06.270' N, Long. 76°08.240' W; then running approximately 252° True to the point of beginning.

(i) Spaniard Point Oyster Reserve. The reserve consists of all of the area enclosed by a line beginning at a point defined by Lat. 39°05.739' N, Long. 76°09.231' W; then running approximately 48° True to a point defined by Lat. 39°05.898' N, Long. 76°09.006' W; then running approximately 64° True to a point defined by Lat. 39°06.061' N, Long. 76°08.582' W; then running approximately 138° True to a point defined by Lat. 39°05.943' N, Long. 76°08.444' W; then running approximately 236° True to a point defined by Lat. 39°05.606' N, Long. 76°09.088' W; then running approximately 320° True to the point of beginning.

(j) Willow Bottom Reserve. The reserve consists of all of the area of the Chester River enclosed by a line beginning at a point defined by Lat. 39°05.376' N, Long. 76°10.965' W; then running approximately 103° True to a point defined by Lat. 39°05.361' N, Long. 76°10.884' W; then running approximately 35° True to a point defined by Lat. 39°05.442' N, Long. 76°10.812' W; then running approximately 323° True to a point defined by Lat. 39°05.487' N, Long. 76°10.856' W; then running approximately 217° True to the point of beginning.

(k) Old Field Reserve. The reserve consists of all of the waters of the area enclosed by a line beginning at a point defined by Lat. 39°4.785' N, Long. 76°10.172' W; then running 28° True to a point, defined by Lat. 39°5.24' N, Long. 76°9.863' W; then running 124° True to a point, defined by Lat. 39°5.161' N, Long. 76°9.71' W; then running 202° True to a point, defined by Lat. 39°4.666' N, Long. 76°9.972' W; then running 307° True to the point of beginning.

## (2) Choptank River.

(a) Black Buoy Oyster Reserve. The reserve consists of all of the area enclosed by a line beginning at a point defined by Lat. 38°34.353' N and Long. 76°02.530' W; then running approximately 23° True to a point defined by Lat. 38°34.782' N and Long. 76°02.293' W; then running approximately 114° True to a point defined by Lat. 38°34.567' N and Long. 76°01.689' W; then running approximately 225° True to a point defined by Lat. 38°34.410' N, Long. 76°01.887' W; then running approximately 256° True to a point defined by Lat. 38°34.355' N, Long. 76°02.175' W; then running approximately 270° True to the point of beginning.

(b) Bolingbroke Sand Oyster Reserve. The reserve consists of all of the area enclosed by a line beginning at a point, defined by Lat. 38°34.353' N, Long. 76°02.530' W; then running approximately 307° True to a point defined by Lat. 38°34.827' N, Long. 76°03.335' W; then running approximately 32° True to a point at or near Natural Oyster Bar Corner 16-3-5, defined by Lat. 38°35.152' N, Long. 76°03.073' W; then running approximately 121° True to a point at or near Natural Oyster Bar Corner 16-3-6, defined by Lat. 38°34.782' N, Long. 76°02.293' W; then running approximately 76° True to the point of beginning.

(c) Howell Point Oyster Reserve. The reserve consists of all of the area, excluding Howell Point Oyster Sanctuary as defined in Regulation .15 of this chapter, enclosed by a line beginning at a point defined by Lat. 38°37.070' N, Long. 76°06.790' W; then running approximately 270° True to a point defined by Lat. 38°37.070' N, Long. 76°07.370' W; then running approximately 10° True to a point defined by Lat. 38°37.440' N, Long. 76°07.290' W; then running approximately 78° True to a point defined by Lat. 38°37.500' N, Long. 76°06.940' W; then running approximately 165° True to the point of beginning.

(d) La Trappe Creek. The reserve consists of all of the area of La Trappe Creek upstream of a line beginning at a point at or near the east side of the mouth of La Trappe Creek, defined by Lat. 38°37.613' N, Long. 76°06.938' W; then running

Last Updated on 4/22/2011. For any recent regulatory changes, please visit <http://www.dnr.state.md.us/fisheries/regulations/regindex.html>

approximately 288° True to a point at or near the southern tip of Martin Point, defined by Lat. 38°37.713' N, Long. 76°07.325' W; and downstream of a line beginning at a point at or near the south entrance of an unnamed cove on the east side of La Trappe Creek, defined by Lat. 38°38.157' N, Long. 76°06.462' W; then running approximately 269° True to a point at or near the north entrance of an unnamed cove on the west side of La Trappe Creek, defined by Lat. 38°38.162' N, Long. 76°06.937' W.

(e) Sandy Hill Reserve. The reserve consists of all of the area of the portion of Natural Oyster Bar 15-12, commonly known as Sandy Hill, enclosed by a line beginning at a point, at or near Lat. 38°35.678' N, Long. 76°6.889' W, then running 112° True to a point, at or near Lat. 38°35.579' N, Long. 76°6.573' W, then running 206° True to a point, at or near Lat. 38°35.347' N, Long. 76°6.717' W, then running 303° True to a point, at or near Lat. 38°35.479' N, Long. 76°6.981' W, then running 20° True to the point of beginning.

(f) Oyster Shell Point Reserve. The reserve consists of all of the area enclosed by a line beginning at a point defined by Lat. 38°35.324' N, Long. 76°0.396' W; then running 23° True to a point, defined by Lat. 38°35.462' N, Long. 76°0.32' W; then running 128° True to a point, defined by Lat. 38°35.264' N, Long. 75°59.999' W; then running 200° True to a point, defined by Lat. 38°35.148' N, Long. 76°0.052' W; then running 303° True to the point of beginning.

(g) Harris Creek – Mill Point Reserve. The reserve consists of all of the waters of the area enclosed by a line beginning at a point defined by Lat. 38°44.229' N, Long. 76°18.175' W; then running 357° True to a point, defined by Lat. 38°44.315' N, Long. 76°18.18' W; then running 103° True to a point, defined by Lat. 38°44.285' N, Long. 76°18.017' W; then running 195° True to a point, defined by Lat. 38°44.15' N, Long. 76°18.063' W; then running 312° True to the point of beginning.

(h) Harris Creek — Walnut Reserve. The reserve consists of all of the waters of the area enclosed by a line beginning at a point defined by Lat. 38°45.669' N, Long. 76°18.496' W; then running 13° True to a point, defined by Lat. 38°45.74' N, Long. 76°18.475' W; then running 93° True to a point, defined by Lat. 38°45.734' N, Long. 76°18.343' W; then running 204° True to a point, defined by Lat. 38°45.663' N, Long. 76°18.383' W; then running 274° True to the point of beginning.

### (3) Eastern Bay.

(a) Cox Neck Reserve. The reserve consists of all of the area of Crab Alley Bay enclosed by a line beginning at a point defined by Lat. 38°54.760' N, Long. 76°17.358' W; then running approximately 170° True to a point defined by Lat. 38°54.579' N, Long. 76°17.318' W; then running approximately 66° True to a point defined by Lat. 38°54.621' N, Long. 76°17.195' W; then running approximately 337° True to a point defined by Lat. 38°54.772' N, Long. 76°17.278' W; then running approximately 259° True to the point of beginning.

(b) Ringgold Middleground Reserve. The reserve consists of all of the waters of the area enclosed by a line beginning at a point defined by Lat. 38°54.32' N, Long. 76°18.53' W; then running 24° True to a point, defined by Lat. 38°54.39' N, Long. 76°18.49' W; then running 113° True to a point, defined by Lat. 38°54.37' N, Long. 76°18.43' W; then running 199° True to a point, defined by Lat. 38°54.3' N, Long. 76°18.46' W; then running 290° True to the point of beginning.

(4) Evans Reserve. The reserve consists of all of the waters of Tangier Sound (Natural Oyster Bar 29-1) enclosed by a line beginning at a point defined by Lat. 38°12.746' N, Long. 75°54.004' W, then running approximately 91° True to a point defined by Lat. 38°12.74' N, Long. 75°53.564' W, then running approximately 182° True to a point defined by Lat. 38°12.486' N, Long. 75°53.575' W, then running approximately 259° True to a point defined by Lat. 38°12.44' N, Long. 75°53.863' W, then running approximately 340° True to the point of beginning.

(5) Magothy River Oyster Reserve. The reserve consists of all of the area enclosed by a line beginning at or near the southern tip of Mountain Point, defined by Lat. 39°03.553' N, Long. 76°25.990' W; then running approximately 180° True to a point at or near Magothy River Light 3, defined by Lat. 39°03.317' N, Long. 76°25.988' W; then running approximately 232° True to a point at or near the shore at Natural Oyster Bar corner 4-3-3, defined by Lat. 39°03.138' N, Long. 76°26.278' W.

(6) Patuxent River; Broad Neck Reserve. The reserve consists of all of the area enclosed by a line beginning at a point defined by Lat. 38°27.497' N, Long. 76°39.205' W; then running approximately 321° True to a point at or near Natural Oyster Bar corner 18-7-4, defined by Lat. 38°27.808' N, Long. 76°39.528' W; then running approximately 30° True to a point at or near Natural Oyster Bar corner 18-7-5, defined by Lat. 38°28.167' N, Long. 76°39.270' W; then running

Last Updated on 4/22/2011. For any recent regulatory changes, please visit <http://www.dnr.state.md.us/fisheries/regulations/regindex.html>

approximately 30° True to a point defined by Lat. 38°28.305' N, Long. 76°39.170' W; then running 141° True to a point at or near Natural Oyster Bar corner 18-7-8, defined by Lat. 38°28.027' N, Long. 76°38.882' W; then running approximately 151° True to a point defined by Lat. 38°27.793' N, Long. 76°38.715' W; then running approximately 232° True to the point of beginning.

(7) Holland Point Reserve. The reserve consists of all of the area of the Patuxent River enclosed by a line beginning at a point defined by Lat. 38°30.676' N, Long. 76°40.272' W; then running approximately 106° True to a point defined by Lat. 38°30.637' N, Long. 76°40.101' W; then running approximately 190° True to a point defined by Lat. 38°30.387' N, Long. 76°40.159' W; then running approximately 288° True to a point defined by Lat. 38°30.440' N, Long. 76°40.368' W; then running approximately 18° True to the point of beginning.

(8) Poplar Island Oyster Reserve. The reserve consists of all of the area enclosed by a line beginning at a point defined by Lat. 38°47.115' N, Long. 76°22.820' W; then running approximately 303° True to a point defined by Lat. 38°47.157' N, Long. 76°22.900' W; then running approximately 37° True to a point defined by Lat. 38°47.230' N, Long. 76°22.830' W; then running approximately 121° True to a point defined by Lat. 38°47.190' N, Long. 76°22.745' W; then running approximately 218° True to the point of beginning.

(9) South River—Brewer Reserve. The reserve consists of all of the area of the South River enclosed by a line beginning at a point defined by Lat. 38°56.097' N, Long. 76°31.702' W; then running approximately 156° True to a point defined by Lat. 38°55.994' N, Long. 76°31.642' W; then running approximately 86° True to a point defined by Lat. 38°56.013' N, Long. 76°31.298' W; then running approximately 333° True to a point defined by Lat. 38°56.195' N, Long. 76°31.415' W; then running approximately 246° True to the point of beginning.

(10) Wicomico River—Bramleigh Creek Reserve. The reserve consists of all of the area of the Wicomico River enclosed by a line beginning at a point at or near Lat. 38°17.439' N, Long. 76°49.693' W; then running 326° True to a point, at or near Lat. 38°17.937' N, Long. 76°50.116' W; then running 346° True to a point, at or near Lat. 38°18.395' N, Long. 76°50.256' W; then running 66° True to a point, at or near Lat. 38°18.499' N, Long. 76°49.960' W; then running 129° True to a point, at or near Lat. 38°18.277' N, Long. 76°49.611' W; then running 166° True to a point, at or near Lat. 38°17.831' N, Long. 76°49.475' W; then running 204° True to the point of beginning.

(11) Upper Bay—Nine Foot Knoll Reserve. The reserve consists of all of Natural Oyster Bar 2-8 enclosed by a line beginning at a point defined by Lat. 39°08.889' N, Long. 76°22.230' W; then running approximately 100° True to a point defined by Lat. 39°08.763' N, Long. 76°21.346' W; then running approximately 199° True to a point defined by Lat. 39°08.353' N, Long. 76°21.526' W; then running approximately 289° True to a point defined by Lat. 39°08.544' N, Long. 76°22.232' W; then running approximately 0° True to the point of beginning.

(12) Nanticoke River — Wilson Shoal Reserve. The reserve consists of all of the waters of the area enclosed by a line beginning at a point defined by Lat. 38°17.231' N, Long. 75°55.401' W; then running 12° True to a point, defined by Lat. 38°17.477' N, Long. 75°55.332' W; then running 115° True to a point, defined by Lat. 38°17.413' N, Long. 75°55.161' W; then running 191° True to a point, defined by Lat. 38°17.18' N, Long. 75°55.221' W; then running 290° True to the point of beginning.

## **.14 Harvest Reserve Area — Management and Establishment.**

A. An individual licensed to catch oysters for commercial purposes shall cull the oysters on the harvest reserve from which they were caught and return every shell to the bar.

B. An individual licensed to catch oysters for commercial purposes may not catch or possess oysters from an area not designated as a harvest reserve while in possession of oysters from a harvest reserve area.

C. Based on the biological criteria listed in Natural Resources Article, §4-1009.1, Annotated Code of Maryland, the Department may establish by public notice:

(1) Individual and total harvest limits;

Last Updated on 4/22/2011. For any recent regulatory changes, please visit <http://www.dnr.state.md.us/fisheries/regulations/regindex.html>

- (2) Seasons, days, and times when oysters may be harvested;
- (3) A minimum size limit of not less than 3 inches;
- (4) A maximum size limit; and
- (5) An opening or closing of an area for the harvesting or conservation of oysters.

D. The public notice process of Natural Resources Article, §4-1009.1, Annotated Code of Maryland, shall be carried out through the following steps:

- (1) The Department shall deliver a copy of the notice to be published to the Joint Committee on Administrative, Executive, and Legislative Review; and
- (2) The Department shall state all applicable reasons for the Department's action on a notice published:
  - (a) In at least one newspaper of general circulation in the State;
  - (b) In at least one newspaper of general circulation in each county in which the affected waters are located; and
  - (c) On the website of the Department.

E. The Department's action under §§C and D of this regulation is not effective until 48 hours after the notice is published in the publications listed in §D(2) of this regulation.

## **.15 Oyster Sanctuaries.**

A. Oyster Sanctuaries of the Chesapeake Bay and Its Tidal Tributaries (September 2010) designates oyster sanctuaries in the Chesapeake Bay and its tidal tributaries and is hereby incorporated by reference.

B. A person may not harvest:

- (1) Wild oysters from a sanctuary established in §A of this regulation; or
- (2) Clams from a sanctuary designated in Section I of "Oyster Sanctuaries of the Chesapeake Bay and Its Tidal Tributaries (September 2010)" that is incorporated by reference in §A of this regulation.

C. Aquaculture in Sanctuaries.

- (1) Except as provided in §C(2) of this regulation, a shellfish lease may not be located in a sanctuary or within 150 feet of an oyster sanctuary established in §A of this regulation.
- (2) Until termination in accordance with Natural Resources Article, §4-11A-09(f), Annotated Code of Maryland or surrender in accordance with COMAR 08.02.23.03K, leased areas and all areas within 150 feet of the leased areas existing at the time of the enactment of Ch.173, Acts of 2009 shall not be considered part of the sanctuaries as established in §A of this regulation.
- (3) A leaseholder under Natural Resources Article, §4-11A, Annotated Code of Maryland or permit registrant under COMAR 08.02.23.04 shall notify the Department as specified on the Shellfish Aquaculture Harvester Permit 48 hours in advance of using a power dredge in areas described in §C(2) of this regulation.

**\*\* (Any documents recently incorporated by reference can be obtained on the proposed regulations webpage - <http://www.dnr.state.md.us/fisheries/regulations/proposedregulations.asp>)**

Last Updated on 4/22/2011. For any recent regulatory changes, please visit <http://www.dnr.state.md.us/fisheries/regulations/regindex.html>

## **.16 Recording the Catching and Disposal of Oysters.**

### **A. Shellfish Buy Ticket.**

- (1) A licensed oyster dealer shall record complete information upon a Shellfish Buy Ticket provided by the Department, for every catch of oysters that the dealer purchases. The licensed oyster dealer shall obtain the signature of the harvester on the Shellfish Buy Ticket.
- (2) At the time of sale of oysters to a licensed oyster dealer, the harvester shall provide the information necessary to complete the Shellfish Buy Ticket and sign the Shellfish Buy Ticket.
- (3) A copy of the Shellfish Buy Ticket shall accompany the conveyance of oysters in bulk from the locations of original purchase to locations of storage, processing, or resale.

### **B. Oyster Sales and Export Tax Certificate.**

- (1) A licensed oyster dealer shall complete an Oyster Sales and Export Tax Certificate, on forms provided by the Department, for each shipment of oysters sold in the shell.
- (2) A person who ships oysters in the shell out-of-State shall receive an oyster sales and export tax certificate for each truck or boat load shipped. The original certificate shall accompany the shipment of oysters out-of-State and shall be available for inspection by officials of the State.
- (3) The second copy of the certificate shall be submitted to the Department with the Oyster Tax Report and payment of any money due the Department.

### **C. Oyster Tax Report.**

- (1) Except as provided in §C(2) and (3) of this regulation, a licensed oyster dealer shall complete each week an Oyster Tax Report provided by the Department and by Thursday of each week, send to the Department the Shellfish Buy Ticket, the Oyster Sales and Export Tax Certificate, and the Oyster Tax Report for all oysters purchased during the week ending on the previous Saturday.
- (2) Licensed oyster dealers whose purchases would require payment of taxes of less than \$25 weekly may submit oyster tax reports monthly.
- (3) For the months May through August only one oyster tax report is required, to be submitted by September 14.
- (4) Oyster Tax Reports for the periods described in §C(1) —(3) of this regulation, shall be submitted to the Department even though no taxes may be due, unless a dealer has received an exemption pursuant to this section. A dealer may request an exemption from the requirements of this section by filing at least 30 days before the start of the period for which an exemption is sought, on a form provided, an affidavit with the Department of Natural Resources, stating the reasons the dealer expects to collect no taxes during the period. The exemption will not be effective until the Department has approved in writing the requested exemption. Notwithstanding the issuance of an exemption, if an exempted dealer during the exemption period purchases any oysters upon which taxes are payable by the dealer, the dealer shall comply with all applicable provisions of this section. The Department in its sole discretion may revoke any exemption granted under this section.
- (5) Each Shellfish Buy Ticket and Oyster Sales and Export Tax Certificate shall be submitted with the Oyster Tax Report for which there is any money due the State.
- (6) These forms shall be accompanied by any money due the State for the respective period of time.

Last Updated on 4/22/2011. For any recent regulatory changes, please visit <http://www.dnr.state.md.us/fisheries/regulations/regindex.html>

#### D. Plantings on Leased Ground; Selling to Unlicensed Buyers.

(1) A person who takes oysters from a public oyster bar and plants them on leased ground, or a person who takes oysters from a public oyster bar and sells them to an unlicensed buyer, shall obtain and complete a Shellfish Buy Ticket form for the portion of each day's catch disposed of in this manner. For each week for which a person completes a Shellfish Buy Ticket, that person also shall complete an Oyster Tax Report on a form provided by the Department.

(2) By Thursday of each week, except as provided in §C(2) and (3) of this regulation, the person shall send to the Department the Shellfish Buy Ticket and an Oyster Tax Report for oysters caught during the week ending on the previous Saturday.

(3) These forms shall be accompanied by all money due the State for the respective period of time.

#### E. Oyster Harvester Reporting.

(1) Any person licensed to catch oysters for commercial purposes who has paid the oyster surcharge shall submit an accurate Maryland monthly oyster report in accordance with COMAR 08.02.13.06.

(2) The Department may suspend a person's entitlement to catch oysters for commercial purposes for failing to submit an accurate Maryland monthly oyster report in accordance with COMAR 08.02.13.06.

## 17 Public Shellfish Fishery Area.

A. Public Shellfish Areas of the Chesapeake Bay and Its Tidal Tributaries (December 2010) designates public shellfish fishery areas in the Chesapeake Bay and its tidal tributaries and is hereby incorporated by reference.

#### B. Declassification.

(1) A person may petition the Department to declassify a portion of a public shellfish fishery area by submitting a lease application as described in COMAR 08.02.23.03A or B and Natural Resources Article, 4-11A-08, Annotated Code of Maryland.

(2) The declassification of a public shellfish fishery area may be approved:

(a) If the results of a biological survey conducted by the Department or a designated agent show that the average density of oysters per square meter is equal to or below the maximum threshold of one oyster that is 1 inch or greater per square meter;

(b) After commercial harvest activity and other quantitative data is considered by the Department;

(c) If the lease application meets the requirements of COMAR 08.02.23.03; and

(d) If the lease application is approved in accordance with Natural Resources Article, Title 4, Subtitle 11A, Annotated Code of Maryland.

## CHAPTER 16 OYSTER RECOVERY AREAS

### 08.02.16.01 Scope.

This chapter applies to oyster recovery areas and the types of activities which can be conducted in these areas.

Last Updated on 4/22/2011. For any recent regulatory changes, please visit <http://www.dnr.state.md.us/fisheries/regulations/regindex.html>

### **08.02.16.02 Definitions.**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Certified seed" or "certified oyster" means seed oysters having zero prevalence and intensity of MSX and dermo at the time of planting, as determined by current technology.

(2) "Oyster recovery areas (ORA)" means the geographic areas in the Chesapeake Bay and its tributaries designated for management actions.

(3) "Zones" means geographic areas within oyster recovery areas where specific management actions may occur and which are designated as Zones A, B, or C.

### **08.02.16.03 Oyster Recovery Areas.**

The following tributaries of the Chesapeake Bay are designated as oyster recovery areas for specific management actions:

A. Chester River;

B. Choptank River;

C. Severn River;

D. Magothy River;

E. Nanticoke River; and

F. Patuxent River.

### **08.02.16.04 Zone Lines.**

A. The following geographic areas in §B—G of this regulation designate zones within each ORA for specific management actions.

B. Chester River.

(1) Zone A is upstream from a line which runs from Lat. 39°06'31.6", Long. 76°07'06.8" southeast from Deep Point across the river to Lat. 39°06'11.5", Long. 76°06'48.8" east of Spaniard Point.

(2) Zone B is upstream from a line connecting Spaniard Point at Lat. 39°05'33.2", Long. 76°08'43.8" with the other side of the river in a northwest direction to Lat. 39°06'16.0", Long. 76°09'37.1" up to the boundary of Zone A.

(3) Zone C is downstream from the lower boundary of Zone B to the mouth of the river defined by a line from Love Point to the northwest tip of Eastern Neck Island.

C. Choptank River.

Last Updated on 4/22/2011. For any recent regulatory changes, please visit <http://www.dnr.state.md.us/fisheries/regulations/regindex.html>

(1) Zone A is upstream from just south of Jamaica Point at Lat. 38°36'38.6", Long. 75°59'09.8" across to the southern edge of the mouth of the Warwick River at Lat. 38°36'19.8", Long. 75°58'36.0".

(2) Zone B is downstream approximately 4,000 yards from the boundary of Zone A to Lat. 38°34'36.6", Long. 76°00'23.5" across the river to Lat. 38°35'20.3", Long. 76°01'15.0".

(3) Zone C is downstream from the lower boundary of Zone B to the mouth of the Choptank River.

#### D. Severn River.

(1) Zone A is downstream from the Route 50 bridge and upstream from the Maryland Department of Environment's restricted line.

(2) Zone B is upstream from the Route 50 bridge.

#### E. Magothy River.

(1) Zone B encompasses all of the area upstream of a line from Chest Neck Point, Lat. 39°04'17.55", Long. 76°30'08.29" to South Ferry Point, Lat. 39°04'42.56", Long. 76°29'32.54".

(2) Zone C encompasses the area downstream of a line from Chest Neck Point to South Ferry Point to the mouth of the river.

#### F. Nanticoke River.

(1) Zone B is an area upstream of a line from the southern shore of the mouth of Lower Greens Cove, Lat. 38°20'28.34", Long. 75°54'47.60" to Hatcrown Point, Lat. 38°19'44.70", Long. 75°52'56.68".

(2) Zone C is an area downstream of a line from the southern shore of the mouth of Lower Greens Cove to Hatcrown Point.

#### G. Patuxent River.

(1) Zone B is upstream of a line from Holland Point, Lat. 38°30'28.71", Long. 76°39'57.57" to the west shore of the river, Lat. 38°30'27.63", Long. 76°40'42.78".

(2) Zone C is downstream of a line from Holland Point to the west shore of the river.

### **08.02.16.05 Prohibitions.**

A. Shellfish Harvest. Except as provided in §C of this regulation, shellfish harvesting is prohibited in an area designated as Zone A listed in Regulation .03 of this chapter.

B. Seed Certification. Only certified seed shall be planted in areas designated as Zone A and Zone B.

C. Chester River. Clam harvesting is permitted in an area designated as Zone A listed in Regulation .04B of this chapter.

## **Natural Resources Article, Annotated Code of Maryland**

### **§ 4-742. Restricted shellfish areas**

(a) If the Department of the Environment determines by appropriate investigation that any area of waters of the State devoted to the production or storage of shellfish is polluted so that shellfish

Last Updated on 4/22/2011. For any recent regulatory changes, please visit <http://www.dnr.state.md.us/fisheries/regulations/regindex.html>

produced or stored in the area are a hazard to public health, it shall restrict the area for the catching or storing of shellfish. If the Department of the Environment finds it necessary to restrict an area of water for the taking and storing of shellfish because of the proximity of the area to the point of discharge of a sewage treatment plant or a point of overflow of a sewage pumping station, the Department of the Environment may increase or decrease the size of a restricted area in relation to the operational effectiveness of the sewage treatment plant or sewage pumping station.

- (b)(1) The action of the Department of the Environment to restrict an area of water becomes effective immediately upon giving formal notice of the action to the Department. Notice also shall be given the appropriate governing body and the committee of oystermen of any county affected by the restriction.
- (2) The Natural Resources Police Force shall patrol the area to warn watermen until public notice is given in newspapers of general circulation in each of the counties whose watermen work the restricted area normally. No arrests may be made until the next workday following the day the notice appeared unless the watermen fail to heed a warning of the officers.
- (3)(i) If the Department of the Environment closes any area to the catching of shellfish under this section, in addition to the notice required in paragraph (1) of this subsection, the Department of Natural Resources shall mark the area so that the area can be seen from the water.
- (ii) The Department of Natural Resources shall adopt rules and regulations to provide for the marking in a plain and visibly obvious fashion of any area that is closed to the catching of shellfish because of pollution. Even in the absence of such marking devices, a person may not catch shellfish in a restricted area as designated by the Department of the Environment if notice has been given to the appropriate governing body and the committee of watermen of any county affected by the restriction.

(c)(1) After establishing a restriction, the Department of the Environment shall test the water in the restricted area or inspect the source of pollution of the water at least twice monthly, or more frequently if requested by the appropriate governing body of any county affected by the restriction. A copy of the report of analysis of every test and inspection shall be filed promptly with the appropriate governing body of every county affected by the restriction.

(2) Updated charts of the Chesapeake Bay and its tributaries showing all polluted areas shall be filed promptly with the appropriate governing body and oystermen's committee of every tidewater county. Copies of these charts shall be filed also with the Fisheries Administration and the Natural Resources Police.

(d) Whenever samples of water and shellfish of a restricted area indicate that the shellfish and water again comply with standards for harvesting shellfish, the restrictions promptly shall be lifted.

(e) The Secretary of the Department of the Environment may delegate authority to impose restrictions, or remove restrictions no longer required. These actions, however, shall be reported and consented to by the Secretary.

(f) Each violation of this section constitutes a separate offense punishable as provided by the provisions of this title.

#### **§ 4-1001. Definitions**

(a) In this subtitle the following words have the meanings indicated.

(b) "Buy boat" means any boat engaged or used in buying, selling, or transporting oysters caught by

other boats.

(c) "Chesapeake Bay" means the waters, commonly known as the Chesapeake Bay as defined by the charts of the Oyster Survey of 1906 to 1912, and its amendments.

(d) "County waters" means the waters lying within the territorial limits of any county in the State as defined by the charts of the Oyster Survey of 1906 to 1912, and its amendments.

(e) "Diving apparatus" means any diving equipment that is supplied with air from the surface through a hose, or diving equipment generally referred to as scuba, the use of which allows a person to catch oysters by hand beneath the water.

(f) "Dredge" includes any dredge, scoop, scrape, or similar device used in catching oysters or clams by dragging.

(g) "Dredge boat" means any sailboat which does not have a screw, propeller, engine, turbine, or other device for self-propulsion, used in catching oysters or clams by dredge.

(h) "Dunnaged boat" means any boat having a false bottom, partition, ceiling, or deck, designed to diminish or having the effect of diminishing visible cargo space.

(i) "Handscrape" means any dredge cast and hauled by hand and without any winch, winder, or spool.

(j) "Hard-shell clams" mean mollusks of the species *Mercenaria mercenaria*.

(k) "Harvest" means to take, kill, trap, gather, catch or in any manner reduce any hard-shell clam, soft-shell clam, or oyster to personal possession or to attempt to engage in this conduct.

(l) "Harvest reserve area" means an area designated by the Department for the restoration and harvesting of oysters on a rotational basis.

(m) "Hydraulic clam dredge" means any device used for dredging clams which consists of a manifold through which water is forced under pressure for the purpose of digging clams and working them into the mouth of the dredge where the clams then are brought up to boat level by means of an escalator. "Hydraulic clam dredge" includes the vessel on which the dredge is carried.

(n) "Marketable oyster" means any oyster measuring 3 inches or more from hinge to mouth.

(o) "Natural oyster bar" means any submerged oyster bar, reef, rock, or area represented as an oyster bar on the charts of the Oyster Survey of 1906 to 1912, and its amendments, or any area declared by any circuit court to be a natural oyster bar, or any area on which the Department plants oysters or shells. A natural oyster bar also means any bar beneath the waters of the State where the natural growth of oysters abounds to the extent that the public has resorted to the bar for a livelihood, whether continuously or at intervals, during any oyster season within five years prior to the filing of any application for a lease of the area in question, or within five years prior to the making of a resurvey under the provisions of Subtitle 11. The actual conditions of the area in question at any time within the five-year period shall be considered in determining whether or not the area is a natural oyster bar.

(p) "Packer" means any person having a fixed place of business and buying, selling, packing, shucking, or preparing oysters for sale, trade, barter, or shipment to any dealer, merchant, or retailer.

(q) "Patent tongs" means any pincers, nippers, tongs, or similar device used to catch oysters and clams raised with rope, cable, or other hoisting gear.

(r) "Shinnecock rake" means a hand tool used to catch hard-shell clams or oysters. It usually consists of a tooth bar with projecting long, outwardly, and upwardly curving teeth which are progressively smaller towards the ends, form a basket, and are set transversely at the end of a long, usually wooden handle.

(s) "Soft-shell clams" means mollusks of the species *Mya arenaria* and of the species Genus *Tagelus*.

(t)(1) "Tong" means any pincers, nippers, tongs, or similar device used in catching oysters and clams and consisting of 2 shafts or handles and a metal body composed of 2 opposable and complementary baskets that:

(i) Are opened, closed, and emptied entirely by hand; and

(ii) 1. Are lifted by hand; or

2. May use power to assist lifting the tongs with a single lifting cable or rope attached at only a single point on 1 shaft of the tongs.

(2) "Tong" includes:

(i) Shaft tongs; and

(ii) Hand tongs.

(3) "Tong" does not include a patent tong.

(u) "Tong boat" means any boat on or from which tongs or patent tongs are used in catching oysters.

#### **§4-1002.**

Notwithstanding any other provision of this title, a person may not catch or attempt to catch clams or oysters by power dredge, hydraulic clam dredge, or other mechanical means in the Atlantic Coastal Bays, as defined in § 8-1802 of this article.

#### **§ 4-1003. Residents authorized**

Any resident of the State may catch oysters or clams on any area in the waters of the State from which catching oysters or clams is permitted under the provisions of this subtitle. This section applies to catching oysters or clams by rakes, tongs, patent tongs, dredges, handscrapes, or by other means permitted by law for the particular area. This section applies also to catching clams by hydraulic or mechanical dredges or rigs permitted by law for the particular area. This section does not affect any provision of this subtitle concerning the licensing or regulation of catching oysters or clams, except as specifically provided in this section.

#### **§ 4-1004. Commercial licenses**

(a) *Required.*-

Last Updated on 4/22/2011. For any recent regulatory changes, please visit <http://www.dnr.state.md.us/fisheries/regulations/regindex.html>

(1) A person may not catch oysters or clams for commercial purposes in the waters of the State unless the person first obtains a license, but a resident may catch up to 1 bushel each of oysters and clams a day for his own use and consumption without a license, in places and at times prescribed by rule or regulation of the Department. Notwithstanding the preceding sentence, a nonresident may catch in the tidal bays of Worcester County up to 1 bushel of hard clams per day for his own use and consumption.

(2) The Department shall require an applicant for an oyster license to indicate whether the applicant will use any diving apparatus, including self-contained underwater breathing apparatus, to catch oysters. On this application for a license to catch oysters, the Department shall require the applicant to give the applicant's address and telephone number.

(b) A person who has been a resident of the State for 12 months immediately preceding his application for a license may obtain a license to catch oysters or clams in the waters of the State.

#### **§ 4-1005. Instruments permitted**

(a) Subject to restrictions promulgated pursuant to this subtitle, a person may catch oysters or clams in the waters of the State only by hand, rakes, tongs, patent tongs, diving apparatus, dredges, handscrapes, cultch material suspended on strings, in trays, in bags, or similar devices. Soft-shell clams may be caught by hydraulic or mechanical dredges or rigs.

(b) The Department may make uniform the size and weight of patent tongs in waters where patent tongs are permitted. However, any person using any size or weight patent tongs on June 1, 1964, may continue to use them.

(c) A person may catch oyster spat in the waters of the State by suspended means such as cultch material on strings, trays, bags, or similar devices, which do not touch the bottom and do not interfere with navigation.

#### **§ 4-1006. Areas off-limits**

(a) A person may not catch oysters or clams within 400 yards of the Federal Research Laboratory at Oxford.

(b)(1) A person may not catch oysters or clams on any area closed by the Department of the Environment due to pollution.

(2) However, oysters may be transplanted from areas deemed polluted during the closed season in accordance with the provisions of [§ 4-1009](#) of this subtitle and [§ 4-1106](#) of this title.

(3)(i) If the Department of the Environment closes any area to the catching of oysters or clams under this subsection, in addition to the notice required in subparagraph (ii) of this paragraph, the Department of Natural Resources shall mark the area so that the area can be seen from the water.

(ii) The Department of Natural Resources shall adopt rules and regulations to provide for the marking in a plain and visibly obvious fashion of any area that is closed to the catching of oysters or clams because of pollution. Even in the absence of such marking devices, a person may not catch oysters or clams in a restricted area as designated by the Department of the Environment if notice has been given to the appropriate governing body and the committee of watermen of any county affected by the restriction.

(c) During the open season for migratory wild waterfowl, a person may not catch oysters in Charles

County within 500 yards of any stationary blind or blind site which is occupied and is being used for hunting migratory wild waterfowl.

#### **§ 4-1006.1 SAV Protection Zones**

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Aerial survey” means the annual aerial survey compiled by the Virginia Institute of Marine Sciences for the annual bay-wide Submerged Aquatic Vegetation Mapping Program.
- (3) “SAV protection zone” means an area delineated by the Department for the protection from uprooting and the restoration of submerged aquatic vegetation.
- (b) (1) In 2004 and every 3 years thereafter, the Department shall update the delineations of SAV protection zones that were completed in 2001.
- (2) The updated delineations shall include areas where submerged aquatic vegetation has been mapped by aerial surveys during at least 1 of the previous 3 years.
- (c) (1) Except as provided in paragraph (2) of this subsection, a previously delineated SAV protection zone may be opened to the use of the gear set forth in subsection (f) of this section during an update if:
  - (i) Aerial surveys have not shown any submerged aquatic vegetation in the area during the past 3 years; or
  - (ii) Aerial surveys have shown the density of submerged aquatic vegetation in that area to be less than 10% during each of the past 6 years.
- (2) The areas in the vicinity of Smith Island, South Marsh Island, and Bloodworth Island that were closed to hydraulic clam dredging in the 1999 delineation shall be closed to the gear set forth in subsection (f) of this section and may not be reopened.
- (d) (1) To the extent possible, the Department shall adjust SAV protection zones so that delineations are geographically manageable, utilizing straight lines and existing points of reference.
- (2) (i) To the extent possible, an adjustment made in accordance with paragraph (1) of this subsection shall result in no net loss or gain of protected area.
- (ii) To the extent possible, to prevent the net loss or gain of protected area resulting from an adjustment made in accordance with paragraph (1) of this subsection, the adjustment may:
  - 1. Exclude small areas of vegetated bottom; or
  - 2. Include small areas of unvegetated bottom.
- (e) The Department:
  - (1) Shall utilize buoys or other visible landmarks as appropriate to mark SAV protection zones;
  - (2) May make revisions to the delineations of SAV protection zones at any time if determined to be necessary; and
  - (3) Shall publish, by public notice, delineations of SAV protection zones and revisions to SAV protection zones.
- (f) A person may not use the following gear in a SAV protection zone:
  - (1) A hydraulic clam dredge;
  - (2) A traditional bottom dredge; and
  - (3) A shinnecock rake.
- (g) This section may not be construed to affect the authority of the Department to adopt any additional measures that the Department determines are necessary to protect submerged aquatic vegetation beds in the waters of the State.

#### **§4-1006.2 Oyster Sanctuaries**

- (a) The Department annually shall publish maps and coordinates of oyster sanctuaries, closed oyster harvest reserve areas, and areas closed to shellfish harvest by the Department of the Environment.
- (b) (1) The Department shall provide the publications required under this section to each tidal fish licensee who pays the oyster surcharges required under § 4-701(e) of this title.
- (2) Before a person may catch oysters under a tidal fish license that has an oyster authorization and for which the oyster surcharges have been paid, the person shall certify to the Department on a form the Department prescribes that the person received the publications required under this section.

#### **§ 4-1007. Buying stations**

(a) The Department may designate by rule or regulation certain areas of the State, known as buying stations, where a person who catches oysters and clams may sell them.

(b)(1) A person may not sell his catch in any place not designated a buying station.

(2) A person may not buy oysters or clams from the person who catches them in any place not designated a buying station.

(c) However, any person may buy soft-shell clams anywhere for his own consumption or use as bait, but not for resale from the person who catches them. However, the person who catches the soft-shell clams shall assume responsibility for paying the tax imposed by § 4-1035 of this subtitle.

(d)(1) For every sale of oysters or clams at a buying station, the buyer shall:

(i) Fill out the buying ticket;

(ii) Distribute copies to the seller and the Department; and

(iii) Maintain a copy.

(2) The Department shall print up and make available to the buyer of oysters or clams the necessary forms required under this subsection.

#### **§ 4-1008. Nonnative oysters**

(a) (1) In this section the following words have the meanings indicated.

(2) “Introduction” means the intentional or accidental placement in State waters of a nonnative oyster for any purpose other than scientific research that is conducted in accordance with standards developed by the Chesapeake Bay Program under the U.S. Environmental Protection Agency.

(3) “Nonnative” means a species of oyster other than the *Crassostrea Virginica*.

(b) Except for the Department, a person may not introduce a nonnative oyster into State waters unless the person has a permit issued by the Department.

(c) (1) The Department may not introduce a nonnative oyster into State waters or issue a permit to another person for an introduction unless:

(i) The recommendations set forth in the 2004 report, “Nonnative Oysters in the Chesapeake Bay”, produced by the Committee on Nonnative Oysters in the Chesapeake Bay, Ocean Studies Board, Division on Earth and Life Studies of the National Research Council, have been met to the extent feasible for the State of Maryland;

(ii) The specific research recommendations set forth in “Identifying and Prioritizing Research Required to Evaluate Ecological Risks and Benefits of Introducing Diploid *Crassostrea Ariakensis* to Restore Oysters to the Chesapeake Bay” (STAC Publication 04-002), have been fully met; and

- (iii) A draft environmental impact statement conducted in accordance with the recommendations specified in subparagraphs (i) and (ii) of this paragraph has been completed; and
- (iv) An independent oyster advisory panel of scientific experts appointed by the Secretary has:
  - 1. Reviewed and approved the sufficiency of the data and assessments used to identify the ecological and economic risks and benefits of introducing a nonnative oyster into State waters and the degree of risk associated with implementing each oyster restoration alternative identified in the draft environmental impact statement prepared in accordance with item (iii) of this paragraph; and
  - 2. Identified any additional research that the panel recommends to reduce the level of risk and uncertainty.
- (2) Before the Department may introduce a nonnative oyster into State waters or issue a permit to another person for an introduction, the Department shall:
  - (i) Subject to § 2-1246 of the State Government Article, submit a report to the General Assembly demonstrating that the Department has met the requirements of paragraph (1) of this subsection;
  - (ii) Conduct public hearings regarding the Department's decision to introduce or to issue a permit to introduce a nonnative oyster into State waters;
  - (iii) For at least 30 days following the last public hearing conducted under item (ii) of this paragraph, receive written public comments on the Department's decision to introduce or to issue a permit to introduce; and
  - (iv)
    - 1. Issue and publish a final decision, including a full scientific rationale for the final decision, a summary of oral and written comments received under items (ii) and (iii) of this paragraph, and the Department's response to these comments, in the Maryland Register; and
    - 2. Publish the final decision, including all accompanying documentation under item 1 of this item, on the Department's website.
- (3) Introduction of a nonnative oyster may not occur until at least 60 days after issuance of a final decision under paragraph (2)(iv) of this subsection.
- (d) In addition to any other penalty provided under law, a person who violates subsection (b) of this section is:
  - (1) Guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$25,000 or both, with costs imposed in the discretion of the court; and
  - (2) Liable for the imposition of a civil penalty up to \$25,000 and, in the discretion of the court, the actual costs associated with remediation of the introduction

**§ 4-1008.1. Prolonging Season; handscraping in Calvert and St. Mary's counties.**

(a) *Prolonging season.*- The Department may prolong by not more than two weeks the season for catching oysters.

(b) *Handscraping in Calvert and St. Mary's counties.*-

- (1) On the recommendation of the Calvert County or the St. Mary's County tongers' committee, the Department may authorize handscraping of oysters in the waters of Calvert and St. Mary's counties for 2 weeks, if inclement weather has prevailed during the tonging season.
- (2) The Department shall determine the areas where handscraping of oysters is permitted.
- (3) The Department shall establish regulations for the handscraping of oysters under this subsection. There shall be a catch limit of 10 bushels per person and no more than 30 bushels per boat. A person may not handscrape for oysters after 12:00 noon.

#### **§ 4-1009. Natural bars; excess oysters**

(a) During the closed season for taking oysters, a person may take seed oysters from the natural bars of the State marked by the Department for a period not exceeding one month in any one year, at times designated by the Department. The seed oysters shall be taken only in accordance with rules and regulations the Department prescribes, sold only to lessees of private oyster grounds, delivered only on leased oyster bottoms and subject to the provisions of § 4-1103(e) of this title.

(b) The Secretary may establish by rule or regulation daily catch limits on the quantities of oysters which may be caught from the natural oyster bars of the State, and may amend the daily catch limits to conserve the public oyster resource. Notice of the establishment or amendment of these catch limits, including all applicable reasons for the Department's action, shall be given before publication, to the Joint Committee on Administrative, Executive, and Legislative Review and by publication of the notice in at least one newspaper of general circulation in the State, in at least one newspaper of general circulation in each county in which the affected waters are located, and on the website of the Department not less than one week prior to the effective date.

(c) A person may not land, sell, or attempt to land or sell on any day oysters from the waters of the State exceeding the daily catch limit established by the Secretary by more than 10 percent. However, in emergencies, the Department may authorize unloading up to two daily catch limits in 1 day. A licensed oyster buyer or dealer may sell or attempt to sell oysters which he shows were purchased from another catcher.

(d) All oysters landed or offered for sale on any day by any person licensed to catch oysters which are in excess of the daily catch limit shall become the property of the State, and payment shall be made directly to the State by the buyer or receiver of the oysters at the same price paid the catcher for the balance of his catch. All funds received under this subsection shall be deposited to the credit of the Fisheries Research and Development Fund and shall be used for repletion of the natural oyster bars of the State.

##### **§ 4-1009.1. Harvest reserve areas**

(a) The Department may adopt regulations which designate an area as a harvest reserve area for oysters.

(b) Notwithstanding any other provision of law, by publishing public notice, the Department may establish for a harvest reserve area:

- (1) The opening or closure of an area for the harvesting or conservation of oysters;
- (2) The harvest limit;
- (3) The seasons, days, and times when oysters may be harvested;
- (4) A minimum size limit of not less than 3 inches; and
- (5) A maximum size limit.

(c)(1) An action of the Department under subsection (b) of this section may not become effective until:

(i) A copy of the notice to be published under item (ii) of this paragraph has been delivered to the Joint Committee on Administrative, Executive, and Legislative Review; and

(ii) 48 hours after notice has been published:

1. In at least one newspaper of general circulation in the State;

2. In at least one newspaper of general circulation in each county in which the affected waters are located; and

3. On the website of the Department.

(2) The notice required under paragraph (1) of this subsection shall state all applicable reasons for the Department's action.

(d) The Department shall use the following biological criteria for the opening and closing of a harvest reserve area:

(1) Growth rates;

(2) Disease prevalence and intensity;

(3) Mortality thresholds; and

(4) Biomass thresholds.

#### **§ 4-1010. Patent tong heads**

A person may not have patent tong heads on board a boat when shaft tonging in Queen Anne's County, Wicomico County, and Kent County waters.

#### **§ 4-1011. Patent and hand tonging**

(a) A person may not use patent tongs to catch oysters in any of the following waters: Wicomico, Queen Anne's, Talbot, Dorchester, and Kent counties, except on the following natural oyster bars: 2-9, 2-10, 5-1, 5-2, also known as Huntingfield Bar 5-3, and 5-7, as defined on the charts of the Oyster Survey of 1906 to 1912, and its amendments.

(b) A person may catch oysters by patent or hand tongs in Talbot County waters within the following bounds:

Beginning at Kent Point and following the territorial county line in an easterly direction to where it intercepts the Queen Anne's County-Talbot County line, then following the county line northeasterly to the point where a straight line drawn from Long Point to the Wades Point bell buoy intersects the county line, from there in a southeasterly direction to the Wades Point bell buoy, and then direct to Wades Point, and then following the shoreline to Lowes Point, and then direct towards the Bloody Point Lighthouse for a distance of 1.8 miles, and then direct to North Point on Poplar Island.

(c) A person may not use patent tongs to catch oysters:

(1) In the Patuxent River above and north of a straight line joining Sotterly Wharf and the beacon at St. Leonard Creek; or

(2) In the tributaries of the Potomac River.

(d) A person may take or catch oysters by hand tong only in the waters of Holland Straits lying within the territorial limits of Somerset County. Holland Straits is that body of water bound by a line, on the north or Tangier Sound side, drawn from Lower Island Point to Sound Point and by a line, on the south or Kedges Straits side, drawn from Pry Island to the southern end of Holland Island.

(e) A person may not use patent tongs to catch oysters in the South River in Anne Arundel County above and west of a straight line drawn between Thomas Point and Saunders Point.

(f) A person may not use patent tongs to catch oysters in waters of Chesapeake Bay that are adjacent to Dorchester County and that lie generally eastward and northward of a line drawn in a southeasterly direction from the southernmost tip of Barren Island to Richland Point on Hooper Island.

#### **§ 4-1012. Dredging**

(a) A person may not catch oysters by dredge in the following areas of the Chesapeake Bay: the area bounded by a line drawn from Lowes Point towards the Bloody Point Lighthouse for a distance of 1.8 miles, and then direct to North Point on Poplar Island; then southerly around the westerly shore of Poplar Island to the southwesterly most point; then running in a straight line to the Department marker on the northern shore of Pawpaw Cove which area shall be reserved for catching of oysters with shaft tongs only; all the area lying within one-fourth mile of the western shore of Poplar Island; all the area within one-half mile of Plum Point; all the area within one and one-half miles of Sandy Point, Hackett Point, Tolly Point, and Thomas Point within Anne Arundel County waters; and the following oyster bars: 2-9, 2-10, 5-1, 5-2, 5- 3A, 5-3B, 8-2, 8-6, and 8-9, as defined by the charts of the Oyster Survey of 1906 to 1912, and its amendments.

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

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

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

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

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

Manokin River: landward or upstream of a straight line joining South Point on Little Deals Island to Hazard Point on the mainland. Big Annemessex River: easterly of a straight line from Tenth Point to Porpoise Point; and for the purpose of this section, Tenth Point shall be considered to be the easterly point of the marsh at the entrance of Thru Creek shown on published Chart No. 7 of the Oyster Survey of 1906 to 1912, at a position of latitude 38 degrees, 2 minutes, 19.20 seconds and longitude 75 degrees 51 minutes 39.47 seconds; and Porpoise Point shall be considered to be the most westerly point of the marsh of Pat Island and that part of Tangier Sound, south of a line drawn in an easterly course from Terrapin Sands Point on the west side of Tangier Sound to the channel and then following the channel in a southerly direction to the Virginia Line.

(4) Talbot County. The waters bayward of a line beginning at Kent Point and following the territorial county line in an easterly direction to where it intercepts the Queen Anne's County-Talbot County line; then following the county line northeasterly to the point where a straight line drawn from Long Point

to the Wades Point bell buoy intersects the county line; from there in a southeasterly direction to the Wades Point bell buoy; and then direct to Wades Point bell buoy; and then direct to Wades Point; then following the shoreline to Lowes Point; and then direct towards the Bloody Point Lighthouse for a distance of 1.8 miles; and then direct to North Point on Poplar Island.

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

#### **§ 4-1013. Dredging regulations and prohibitions generally.**

(a) License required.- Any person who owns or is in charge of operating any dredge boat shall have a license to catch oysters by dredge boat.

(b) Display of dredge boat numbers.- The captain or master of any dredge boat shall securely attach the two numbers, furnished by the Department for each dredge boat, to the shrouds of the foremast on the port and starboard sides of the boat, with the bottom or lower edge of the number not less than 4 feet above the deck. The numbers shall be displayed in an upright position to provide maximum visibility at all times during the dredging season, and may not be concealed or defaced. Each number shall be painted in black figures on white durable material 2 feet by 2 feet in size. The material shall be selected by the Department. The numbers on the material may not be less than 16 inches in height and a proportionate width.

(c) Dredge boats capable of self-propulsion.- The owner, captain, master, or any crew member of any boat capable of self-propulsion by any motor, turbine, or other engine attached to the boat, may not have on board the boat, or in tow, or permit on board or in tow, any scoop, handscape, dredge, or similar instrument used in dredging, or any winch, spool, winder, or other tackle used in dredging, unless the boat is permitted by the Department to dredge on leased land, or is engaged in taking seed oysters under the surveillance and with the permission of the Department. Notwithstanding any other provisions of this subtitle, the Department may designate by rule or regulation a period of time not to exceed two days in any one week during which dredge boats licensed under the provisions of this subtitle may be propelled by means of the auxiliary yawl boat carried on the dredge boat in the waters of the Chesapeake Bay. The Department may prescribe the maximum daily limit on any day.

(d) Dredging on leased land.- The owner, captain, master, or any crew member of any boat may not catch oysters by scoop, handscape, or dredge, or permit oysters to be caught by scoop, handscape, or dredge, on any land in the State leased for cultivating oysters unless the boat is permitted by the Department for dredging on leased land, and the owner, captain, or master of the boat has on board the written consent of the lessee or tenant of the leased land from which any oysters are caught.

(e) Dredging on submerged lands reserved for tonging.- All submerged land of the State not leased for cultivation of oysters nor designated as dredging territory by the provisions of this subtitle shall be reserved for tongers exclusively. The owner, captain, master or any crew member of any boat may not catch oysters by scoop, handscape, or dredge, or attempt or conspire to catch oysters by scoop, handscape, or dredge, from any submerged land of the State reserved for tongers exclusively or closed

by any rule or regulation, or order of the Department. The taking of oysters by scoop, dredge or handscape by hand may be authorized by the Secretary upon the recommendations of the appropriate county tongers committee, in areas reserved for tonging when areas which are designated for tonging oysters are closed because of icing conditions at least 7 consecutive days. Handscraping may be authorized on a day for working day basis according to the number of days when tonging is not possible because of ice cover, but not to exceed 14 working days. The Secretary may specify areas to be opened and restrictions on gear. There shall be a limit of 10 bushels per man and no more than 30 bushels per boat. A person may not handscape for oysters after 12 noon. However, this subsection does not apply to catching seed oysters under the surveillance and with the permission of the Department.

(f) Size and nature of dredge.- A person may not catch oysters in the waters of the State or possess any scoop, dredge, handscape, or similar instrument having a tooth bar more than 42 inches in length measuring from the outside teeth on dredges used in dredging on rock bottoms or 44 inches in length measuring from the outside teeth on dredges used in dredging on mud bottoms, or of a weight exceeding 200 pounds.

(g) Firearms on dredge boats.- Subject to the laws relating to firearms, the captain, master or any person on board or having control of any dredge boat, may not have or permit to be kept on the dredge boat more than two shotguns not larger than a number ten gauge and using shot not larger than number one.

#### **§ 4-1014. Somerset County; oyster sanctuary**

(a) This section applies only to the waters of the State that lie contiguous to Somerset County in the Chesapeake Bay.

(b) There is an oyster sanctuary in Monie Bay known as the Webster ground that includes all the waters inshore of a line northeasterly from Long Point to a designated point in Monie Bay at latitude 38 degrees, 12 minutes, 37.8 seconds north, longitude 75 degrees, 51 minutes, 51.0 seconds west, then southwesterly to the eastern entrance to Pigeon House Creek.

(c) A person may not catch oysters in the oyster sanctuary described in subsection (b) of this section or an oyster sanctuary that was established by regulations adopted by the Department.

#### **§ 4-1014.1. Calvert County; oyster sanctuary**

(a) This section applies only to the waters of the State that lie contiguous to Calvert County in the Chesapeake Bay.

(b) A person may not catch oysters in an oyster sanctuary that was established by regulations adopted by the Department.

#### **§ 4-1014.2. St. Mary's County; oyster sanctuary**

(a) This section applies only to the waters of the State that lie contiguous to St. Mary's County in the Chesapeake Bay.

(b) A person may not catch oysters in an oyster sanctuary that was established by regulations adopted by the Department.

#### **§ 4-1014.3. Dorchester County; oyster sanctuary**

(a) This section applies only to the waters of the State that lie contiguous to Dorchester County in the Chesapeake Bay.

(b) A person may not catch oysters in an oyster sanctuary that was established by regulations adopted by the Department.

#### **§ 4-1015. Culling; oysters under three inches**

(a) A person who catches oysters from the waters of the State with any scoop, dredge, tong, rake, or any similar instrument shall cull the oysters on the natural bar from which they were caught, and return to the bar all shells, stones, gravel, and slag. Any oyster whose shell measures less than 3 inches in distance between its longest or widest points, whether or not attached to a marketable oyster, shall be included in the culling and replaced on the bar from which caught. The Department by rule may permit the possession of marketable oysters to which nonmarketable oysters adhere so closely that it is impossible to remove them without destroying the smaller oyster. Oyster culling shall be completed before any oyster is thrown or deposited in the hold or bottom of any boat.

(b) After culling and placing in the hold or bottom of a boat, a person's possession of oysters may not include a combined total of more than 5 percent of oysters which measure less than 3 inches from hinge to bill, and cultch consisting of shells, stones, gravel, and slag. In ascertaining this percentage the Department shall select by random sample an amount of oysters from any pile, hold, bin, house, or place as deemed proper and require it to be culled and disposed of, as provided by this section. All small oysters and cultch that adhere to marketable oysters shall be separated, and the marketable oysters shall be excluded from any measurement of small oysters and cultch. However, a person may possess marketable oysters that have undersized oysters or spat less than 1 inch in length from hinge to bill attached to them that cannot be separated without destroying the small oyster.

(c) A person may not transport or attempt to transport outside the State oysters measuring less than 3 inches in length from hinge to mouth regardless of whether they are caught on the natural bars of the State or from private beds and lots in the State.

(d) The provisions of this subtitle relating to the inspection and culling of oysters and the imposition of penalties for any violation of the cull law apply to oysters in the shell found anywhere within the State, whether afloat or ashore, and whether said oysters have been caught within the waters of the State or shipped or brought into the State. However, oysters containing more than 5 percent shells or small oysters legally taken from privately owned beds outside the State may be admitted if:

- (1) Inspected by the Department prior to storage in a shucking house; and
- (2) Accompanied by a bill of sale or bill of lading issued by the private planters selling the cargo or an appropriate certificate from the authorities of the state of origin, certifying that the cargo was caught from privately owned oyster beds in the state of origin and that the oysters were caught in full compliance with the laws of that state.

#### **§ 4-1015.1. Diving apparatus; hand tonging exclusivity**

(a)(1) Notwithstanding any other provision of this subtitle or regulation promulgated thereunder, a person who catches oysters from the waters of this State using any sort of diving apparatus shall cull the oysters on the natural bar from which they were caught, and return to the bar all shells, stones, gravel, and slag. Any oyster whose shell measures less than 3 inches in distance between its longest or widest points, whether or not attached to a marketable oyster, shall be included in the culling and replaced on the bar from which caught. Oyster culling shall be completed before any oyster is thrown or deposited in the hold or bottom of any boat.

(2) After culling and placing in the hold or bottom of a boat, a diver's possession of oysters may not include a combined total of more than 5 percent of oysters which measure less than 3 inches between its longest or widest points, and cultch consisting of shells, stones, gravel, and slag. In ascertaining this percentage the Department shall select by random sample an amount of oysters from any pile, hold, bin, house, or place as deemed proper and require it to be culled and disposed of, as provided by this section. All small oysters and cultch that adhere to marketable oysters shall be separated, and the marketable oysters shall be excluded from any measurement of small oysters and cultch. However, a person may possess marketable oysters that have undersized oysters or spat less than 1 inch in distance between their longest or widest points attached to them that cannot be separated without destroying the small oyster.

(b) Notwithstanding any other provision of this subtitle or regulation promulgated pursuant to this subtitle, persons aboard a boat who are using diving apparatus to catch oysters from the waters of this State may not catch more than a total of 30 bushels per boat in any day. Any person aboard a boat on which more than 30 bushels have been caught in a day may be charged with violating this subsection.

(c) On or after July 1, 1983 and before September 30, 1983, the Department shall by rule and regulation set aside certain waters of this State to be used exclusively by hand tongs in catching oysters. Before adopting the regulations in their final form, the Department shall consult each of the local hand tonger committees.

#### **§ 4-1017. Licenses; catching, possession and shipping**

(a) Unless a license first is obtained from the Department, a person may not (1) have a fixed place of business buying oysters and employing labor to prepare them for market, or (2) buy more than 25 bushels of oysters per year from persons who catch them from the natural oyster bars of the State.

(b) The Department may not issue a license required by this section unless the applicant pays all taxes due for the prior year under § 4-1020 of this subtitle.

(c) A person may possess oysters caught from the natural oyster bars of the State until one week past the close of the season for taking oysters as established in § 4-1008.1 of this subtitle. Oysters may be caught by dredge or handscape at any time in Worcester County and may be shipped in the shell at any time within or from that county. In counties where oysters may be caught from leased areas at any time pursuant to the provisions of Subtitle 11, a person may possess oysters at any time.

#### **§ 4-1018. Measuring oysters**

(a)(1) Every oyster in the shell and every oyster shell sold in the State shall be measured either in a half bushel tub, a bushel tub, a bushel and a half tub, or a 3 bushel tub. A person shall measure oysters in the shell or oyster shells only with an iron circular tub having straight sides and a straight solid bottom, with holes in the bottom for draining which are no larger than 1 inch in diameter. The Department may set standards and allow other bulk containers it deems proper. Every measurement shall be taken from inside to inside. The dimensions shall be as follows:

(i) Half bushel tub -- 15 inches across the top, 13 inches across the bottom, and 17 inches diagonally from the inside chime to the top;

(ii) Bushel tub -- sixteen and one-half inches across the bottom, 18 inches across the top, and 21 inches diagonally from the inside chime to the top;

(iii) Bushel and a half tub -- 18 inches across the bottom, 19 inches across the top, and 24 inches diagonally from the inside chime to the top; and

(iv) Three bushel tub -- 22 inches across the bottom, 24 inches across the top, and 29.26 inches diagonally from the inside chime to the top.

(2) All oysters measured in the shell as required by this section shall be even measure to the top of the tub only.

(b) Due to the quantity of water contained in measures of newly shucked oysters, any proprietor or manager of a plant, house, or establishment shall measure oysters as received from the shuckers in a special gallon cup which contains no more than 9 pints. Any device other than this 9 pint gallon cup may not be used to measure any oysters received from shuckers. A Natural Resources police officer shall stamp every 9 pint gallon measure used in measuring newly shucked oysters. A proprietor or manager of any house, plant, or establishment which shucks oysters shall have every 9 pint gallon measure stamped.

(c) Every shucked oyster sold in the State shall be sold by the standard United States one-half pint, pint, quart, or gallon liquid measure, or by fractions or multiples of these liquid measures.

#### **§ 4-1019. Report of shell sales**

Any person buying or selling oyster shells shall report to the Department, at times the Department prescribes by rule or regulation, every purchase or sale of oyster shells, stating the number of bushels purchased or sold, the date of sale, the name and address of the other party to the transaction, and any other information the Department prescribes by rule or regulation.

##### **§ 4-1019.1. Returning shells to Chesapeake Bay**

The Department shall initiate the development of a program for enactment by the Maryland General Assembly to encourage return of the State's oyster shell resource to the tidal waters of the State to assist oyster propagation. The Department also may use the Fisheries Research and Development Fund to purchase oyster shell.

##### **§ 4-1019.2. Shell purchase program**

(a) This section does not apply to:

(1) An individual who takes or uses oysters for personal use or consumption purposes; or

Last Updated on 4/22/2011. For any recent regulatory changes, please visit <http://www.dnr.state.md.us/fisheries/regulations/regindex.html>

(2) Old oyster shells that are dredged from the Chesapeake Bay or its tributaries.

(b) Except as provided in subsection (c) of this section, any licensed oyster dealer shall reserve for 8 months after the opening of each annual harvest season all shells of oysters harvested from the Chesapeake Bay or its tributaries and commercially shucked in the State for purchase by the Department for replanting on public oyster areas unless the dealer plants these oyster shells:

- (1) In an area privately leased for aquaculture purposes;
- (2) On riparian bottom as provided in §4-11A-16 of this title for the propagation of oysters; or
- (3) On public shellfish fishery areas designated by the Department.

(c)(1) The Department shall determine whether sufficient funds are available for the Oyster Shell Purchase Program under this section.

(2) The Department shall notify every licensed oyster dealer not later than September 1 of each year whether the Oyster Shell Purchase Program will be carried out during the ensuing license year.

(3) If the Department does not notify licensed oyster dealers that the Oyster Shell Purchase Program will be carried out during the ensuing license year, a licensed oyster dealer may sell or dispose of fresh oyster shell at any time to any person for any lawful purpose.

(4) The Department shall:

- (i) Establish procedures for the expeditious notice, payment, and removal of shells purchased; and
- (ii) Provide for the transportation, storage, and placement on public oyster bars in State waters.

(d) All existing contracts executed prior to July 1, 1988 concerning the purchase of oyster shell shall be valid and exempt from the provisions of this section for the length of time for which the contract covers.

(e) Unless permission has been obtained from the Department, it shall be unlawful for any person to take or catch oysters or shell in any of the waters of the State for the purpose of converting the oysters or shell into lime, chickenmeal, or road construction materials.

(f)(1) In consultation with Oyster Advisory Commission and the Tidal Fisheries Advisory Commission, the Department shall determine annually the fair market value that the Department pays for:

- (i) Fresh oyster shells; and
- (ii) Transportation and placement of fresh oyster shells.

(2) The Secretary shall adopt regulations to implement the requirement set forth in paragraph (1) of this subsection.

#### **§ 4-1020. Taxes**

(a) A separate permit shall be obtained for shipping each cargo, truckload, or other consignment of oysters in the shell out of the State. An inspection tax of 30 cents per bushel shall be levied upon marketable oysters shipped in the shell to any place outside the State and shall be paid by the shipper. The tax imposed by this subsection shall be levied in addition to every other tax imposed on oysters.

(b) A severance tax of \$1 per bushel shall be levied upon every bushel of oysters caught within the limits of the natural oyster bars of the State exclusive of the Potomac River. The oyster buyer or receiver shall pay the tax to the Department for deposit to the credit of the Fisheries Research and Development Fund. This section does not prevent any person licensed to catch oysters in the State

from selling his oysters in the shell directly to a consumer in the State. If the consumer is a licensed buyer of oysters, he shall assume the obligations placed by this subsection on the first buyer of the oysters to remit the tax to the Department. However, if the consumer is not a licensed buyer of oysters, the seller of oysters shall assume this obligation.

(c) All taxes collected under this section shall be credited to the Fisheries Research and Development Fund and used only for the repletion of the natural oyster bars of the State. The tax increase effective July 1, 1982, shall be used solely for the oyster seed program, with a minimum of 5 percent of the increase being used in each of the following counties:

Anne Arundel;  
Calvert;  
Charles;  
Dorchester;  
Kent;  
Queen Anne's;  
Somerset;  
St. Mary's;  
Talbot; and  
Wicomico.

(d) If the Department finds that an oyster buyer or an oyster packer or dealer does not have adequate records or has incorrect reports of oyster purchases or sales and that the amount of inspection taxes due on these purchases or sales cannot be accurately determined, the Department shall determine the taxable purchases or sales of the buyer or of the oyster packer or dealer for any period involved and compute the tax from the best information available. If within 30 days the oyster buyer or oyster packer does not produce proof that the computations are incorrect, the determination or computation is prima facie correct.

(e) If the Department determines the purchases and sales of oysters and computes the tax due, it shall levy a deficiency assessment against the oyster buyer or the oyster packer or dealer and notify him of the tax due and of the amount of the deficiency assessment. If the oyster buyer or oyster packer or dealer fails to pay the tax and assessment within ten days after receiving notice from the Department, the Department shall levy, in addition to the tax assessment, a penalty not exceeding 10 percent of the amount due, plus one half of one percent for each month the tax or additional tax remains unpaid.

(f) The Department, through the Attorney General, may collect unpaid taxes provided for in this section in the same manner as other unpaid taxes due the State are collected. In addition, the Department may seize and hold any boat, truck, or other vehicle in which any oysters were or are transported until the taxes are paid.

#### **§ 4-1040. Clam dredge's conveyor; oysters prohibited**

(a) A clam dredge in or crossing a restricted area shall have the dredge's conveyor raised above the surface of the water.

(b) A person may not have any oysters aboard a clam dredge boat.

#### **NATURAL RESOURCES CODE SUBTITLE 11: OYSTER AND CLAM CULTURE**

Last Updated on 4/22/2011. For any recent regulatory changes, please visit  
<http://www.dnr.state.md.us/fisheries/regulations/regindex.html>

#### § 4-1101. Definitions

- (a) In this subtitle the following words have the meanings indicated.
- (b) "Chesapeake Bay" means the waters, commonly known as the Chesapeake Bay, as defined by the charts of the Oyster Survey of 1906 to 1912, and its amendments.
- (c) "County waters" means the waters lying within the territorial limits of any county in the State as defined by the charts of the Oyster Survey of 1906 to 1912, and its amendments.
- (d) "Dredge" includes any dredge, scoop, handscape, or similar device used in catching oysters and clams by dragging.
- (e) "Hydraulic clam dredge" means any device used for dredging clams which consists of a manifold through which water is forced under pressure for the purpose of digging clams and working them into the mouth of the dredge where the clams then are brought up to boat level by means of an escalator. "Hydraulic clam dredge" includes the vessel on which the dredge is carried.
- (f) "Leased oyster bottom" means any land lying beneath the waters of the State leased by the State to any person for the purpose of protecting, sowing, bedding, or cultivating oysters and other shellfish.
- (g) "Marketable oyster" means an oyster measuring 3 inches or more from hinge to mouth.
- (h) "Natural clam bar" means any area of submerged tidal bottom not classified as a natural oyster bar which has a population of clams of any species judged by the Secretary to have significant commercial value.
- (i) "Natural oyster bar" means any submerged oyster bar, reef, rock, or area represented as an oyster bar on the charts of the Oyster Survey of 1906 to 1912, and its amendments, or any area declared by any circuit court to be a natural oyster bar, or any area on which the Department plants oysters or shells. A natural oyster bar also means any bar beneath the waters of the State where the natural growth of oysters abounds to the extent that the public has resorted to the bar for a livelihood, whether continuously or at intervals, during any oyster season within five years prior to the filing of any application for a lease of the area in question, or within five years prior to making of a resurvey under § 4-1102. The actual condition of the area in question at any time within the five-year period shall be considered in determining whether or not the area is a natural oyster bar.
- (j) "Patent tongs" means any pincers, nippers, tongs, or similar device used to catch oysters or clams and raised with rope, cable, or other hoisting gear.
- (k) "Shinnecock rake" means a hand tool used to catch hard-shell clams or oysters. It usually consists of a tooth bar with projecting long, outwardly and upwardly curving teeth which are progressively smaller toward the ends, form a basket, and are set transversely at the end of a long, usually wooden handle.
- (l) "Tong" means any pincers, nippers, tongs, or similar device operated entirely by hand and

consisting of two shafts or handles and a metal body composed of two opposable and complementary baskets used in catching oysters and clams.

### **§ 4-1103. Regulating bars and seed areas**

(a) The Department shall take measures which in its judgment seem best calculated to increase the productivity or utility of any part of the natural oyster bars of the State, including:

- (1) Identifying and using effective methods of cleaning diseased oyster bars;
- (2) Providing clean shell for the bars;
- (3) Using hatchery produced oysters to replant sites; and
- (4) Applying for a permit to dredge buried oyster shells.

(b) The Department may select and reserve for its own use areas, to be known as seed areas, within the waters of the State for the propagation of seed oysters. The number, size, and location of these areas shall be determined from time to time by the Department. The Department shall, before publication, deliver a notice of reservation, including all applicable reasons for the Department's act, to the Joint Committee on Administrative, Executive, and Legislative Review and publish the notice not less than 30 days before the closing date of any seed area in one newspaper of general circulation in the State and at least one newspaper of general circulation in each county in which the affected waters are located, and on the website of the Department. The Department shall schedule a public hearing on the proposal not less than 15 days before the proposed closing date. The hearing shall be held at the county seat of the county in which the affected waters are located. If the affected waters are located in more than one county, the hearing shall be held in that county seat closest to the affected waters, but if the area affected is totally within State waters, the hearing shall be held in Annapolis

(c) *Department may reopen area.-* The State may sell seed oysters to persons who hold a valid aquaculture or submerged land lease for no less than the prevailing price of seed oysters of similar quality in nearby states. Conditions of sale may be prescribed by rule or regulation of the Department. The proceeds from these sales shall be credited by the Comptroller to the Fisheries Research and Development Fund.

(d) *Department may reserve areas for propagation.-*

(1) In addition to the provisions of subsections (b) and (c) of this section concerning the establishment of oyster seed areas and the sale of seed oysters to a leaseholder, the Department may:

(i) Sell or remove seed oysters from oyster seed areas if the sale or removal is made under disease protocols; and

(ii) Adopt regulations necessary to implement the provisions of this subsection.

(2) The Department shall credit the proceeds of any sale of seed oysters under this subsection to the Fisheries Research and Development Fund in the Department.

(3) The Department shall:

(i) Sell, at prevailing market prices, seed oysters produced in an aquaculture oyster seed area to a person who holds a valid aquaculture or submerged land lease or an aquaculture permit to cultivate shellfish; and

(ii) Use any revenue derived from the sale of seed oysters to reimburse the Fisheries Research and Development Fund for any expenditure needed to create the aquaculture oyster seed areas under this subsection.

#### **§ 4-1103.1. Potomac River seed areas**

The Department shall enter into an agreement with the Potomac River Fisheries Commission to establish oyster seed areas in the Potomac River from Cornfield Point to Point Lookout for the purpose of propagating seed oysters to replenish natural oyster bars in Calvert, Charles, St. Mary's counties, and other areas of the State.

#### **§ 4-1105. Off-limits areas**

A person may not catch oysters on any area closed or reserved for propagation of oyster seed under the provisions of this subtitle. This section does not prohibit the Department from catching oysters.

#### **§ 4-1106. Promoting propagation**

(a) The Department may transplant oysters, shells, or other cultch from one closed area to another, transplant or otherwise utilize within the State seed oysters produced on shells or other cultch planted by the Department, or transplant or utilize any other seed oyster which may accumulate on areas where seed oysters are not likely to develop into desirable marketable oysters.

(b)(1) The Department shall have licensed oystermen in each tidewater county of this State select a county committee of five representative licensed tongers, who earn their livelihood by catching oysters, to confer with the Department concerning oyster propagation conducted by the Department in that county. Each county committee shall elect a chairman to serve on a statewide committee of oystermen to advise the Department on statewide issues concerning oyster propagation.

(2) A similar advisory committee that includes licensed dredgers shall be selected to confer with the Department concerning the propagation of oysters in the dredging areas. The committee shall elect a chairman to serve on a statewide committee of oystermen to advise the Department on statewide issues concerning oyster propagation.

(3) The Department shall appoint 5 representative, licensed oystermen of this State who earn their livelihood catching oysters by using diving apparatus as a committee to confer with the Department concerning oyster propagation conducted by the Department in the areas of the State where the catching of oysters by using diving apparatus is permitted. The committee shall select a chairman to serve on a statewide committee of oystermen to advise the Department on statewide issues concerning oyster propagation.

(4) The Department shall appoint 5 representative, licensed oystermen of this State who earn their livelihood catching oysters by using patent tongs as a committee to confer with the Department concerning oyster propagation conducted by the Department in the areas of the State where the catching of oysters by using patent tongs is permitted. The committee shall select a chairman to serve on a statewide committee of oystermen to advise the Department on statewide issues concerning oyster propagation.

(5) The term of membership for each committee is four years, except that of the original committeemen, three are to serve a four-year term and two are to serve a two-year term. Each term begins on March 1.

(6) If a vacancy occurs because a member is unable or unwilling to serve, the Department immediately

Last Updated on 4/22/2011. For any recent regulatory changes, please visit <http://www.dnr.state.md.us/fisheries/regulations/regindex.html>

shall notify in writing each member of the committee of the vacancy. The committee shall arrange for a new election to fill the vacancy. If the vacancy is not filled within 60 days after the vacancy occurs, the Department shall make the necessary appointments to fill each vacancy. When committee members are selected or when any vacancy is filled, the Department shall notify promptly the members of the General Assembly from the county of the names of the committee members selected or appointed to fill a vacancy in that county. An appointment to a vacancy in an unexpired term is limited to the remainder of the term.

(7) The Department shall prescribe by rule and regulation the time, place, and manner of selection of the oyster committees.

(8) The Fisheries Administration shall submit an annual summary of the Fisheries Research and Development Fund to the committee of oystermen for each county. The summary shall include an accounting of receipts and expenditures.

(c) The Department shall expend any fund appropriated in the budget for oyster propagation for the planting of oyster shells, other cultch, or seed oysters on natural oyster bars or seed areas, or for the purchase of necessary equipment.

(d) The Department may close without holding a public hearing any natural oyster bar in the waters of the State with the approval of the appropriate committee of oystermen.

#### **§ 4-1107. Cooperation with other entities**

The Department may cooperate with any county or political subdivision providing funds to purchase and plant shells and transplant seed oysters. The appropriate governing body of any county or political subdivision that expends funds for this purpose may designate the planting areas for the purchased shells.

#### **§ 4-1118.1. Damaging natural oyster bars; liability**

(a) Except for normal harvesting activities, the dredging and transplanting of oyster shell or seed oysters as part of the Department's Oyster Propagation Program, or as authorized in a State wetlands license, a person may not destroy, damage, or injure any oyster bar, reef, rock, or other area located on a natural oyster bar in the Chesapeake Bay that is not a leased oyster bottom.

(b) Any person who destroys, damages, or injures any oyster bar, reef, rock, or other area referred to in subsection (a) of this section is liable to the State in a civil action, as the Department considers appropriate, for the restoration of, mitigation of, or monetary damages for any destruction, damage, or injury that the person causes to resources on the natural oyster bar.