

## **POSSIBLE CHANGES TO REGULATIONS FOR OYSTERS**

The department is considering changes for the oyster fishery. Unless otherwise noted, all changes would apply both recreationally and commercially. The changes will implement the Maryland Oyster Management Plan based on the results of the 2018 oyster stock assessment. “A Stock Assessment of the Eastern Oyster, *Crassostrea virginica*, in the Maryland waters of Chesapeake Bay” presents the first formal stock assessment of the Maryland oyster population and fishery as well as estimates of biological reference points for use in the management of oysters in Maryland. The assessment was conducted as a means toward achieving the goal of a sustainable fishery and was mandated by the Maryland General Assembly as part of the Sustainable Oyster Population and Fishery Act of 2016 (Senate Bill 937, Chapter Number 703, 2016).

### **Open/Close Oyster Harvest Areas**

The department would like to add the ability to open or close oyster harvest areas (non-sanctuary areas) by public notice.

This change would apply only to areas where the harvest of oysters is allowed (public shellfish fishery areas, natural oyster bars, etc.). This would not apply to any area designated as a sanctuary or aquaculture lease. Currently, the department is limited in which oyster harvest areas may be closed and re-opened by public notice. Given the variation of the oyster population based on environmental conditions, adding the ability to open or close any oyster harvest area (non-sanctuary areas) by public notice would provide increased flexibility to implement the Maryland Oyster Management Plan.

### **Bushel Limits**

The department is considering a change that would provide flexibility for determining the bushel limits for the commercial oyster fishery.

The oyster stock assessment indicates that bushel limits may need to be modified. The department currently has the ability to change bushel limits by public notice, but would like to allow harvesters to prepare for any changes. The department would like to remove the specific bushel limits from the regulation and replace it with a statement that would establish the statewide bushel limits by public notice on an annual basis. Given changing environmental conditions, setting the statewide bushel limits annually will allow flexibility while developing a sustainable fishery. Periodic stock assessment updates, results of annual oyster surveys, and harvest information will factor into setting the bushel limits annually. The new regulation would require that statewide bushel limits be set by July 1 of each year so that harvesters know what to expect before renewing their commercial license. Making this change will allow harvesters to be aware of and prepare for possible changes while conserving the resource. The limits would continue to be dependent on the gear used to harvest oysters. The department would like your feedback on what the statewide bushel limit should be for the 2019-2020 season. The ranges to consider are:

- 50 bushels/license/day to 150 bushels/license/day for skipjacks
- 8 bushels/license/day to 12 bushels/license/day for power dredge
- 8 bushels/license/day to 15 bushels/license/day for all other gears

### **Season**

The department is considering a change that would provide flexibility for determining the season for the oyster fishery.

The oyster stock assessment indicates that the season may need to be modified. The department currently has the ability to change the season by public notice, but would like to allow individuals to prepare for any changes. The department would like to remove the specific season from the regulation and replace it with a statement that would establish the statewide season by public notice on an annual basis. Given changing environmental conditions, setting the statewide season annually will allow flexibility while developing a sustainable fishery. Periodic stock assessment updates, results of annual oyster surveys, and harvest information will factor into setting the season annually. The new regulation would require that the statewide season be set by July 1 of each year so that individuals know what to expect. Making this change will allow individuals to be aware of and prepare for possible changes while conserving the resource. The season would continue to be effective statewide and dependent on the gear used to harvest oysters. The department is requesting feedback on what the season length should be for the 2019-2020 season. The ranges to consider are:

- 2 months (November 1 to December 31) to 5 months long (November 1 to March 31) for sail dredging and power dredging
- 3 months (October 1 to December 31) to 6 months long (October 1 to March 31) for all other gears

### **Days for Catching Oysters**

The department would like to add the ability to change by public notice the days of the week that someone can catch oysters.

The department would like to remove the specific days from the regulation and replace the text with a statement that would establish the statewide allowable days of the week by public notice on an annual basis. Given changing environmental conditions, setting the days of the week annually will allow flexibility while developing a sustainable fishery. Periodic stock assessment updates, results of annual oyster surveys, and harvest information will factor into setting the days of the week that someone can catch oysters. The new regulation would require that the days that apply to the statewide fishery be set by July 1 of each year so that individuals know what to expect. The department is considering a range of 3 to 5 days per week. The department is requesting feedback on how many days per week a person may harvest oysters.

### **Public Notice for Special Management**

The department opens or closes areas where the harvest of oysters is allowed (public shellfish fishery areas, natural oyster bars, etc.) by public notice for various management reasons described in the oyster management plan. The harvest conditions for those areas may be equal or less than the statewide limits and are described in the public notice. The department would like to make it clear in regulation that a public notice issued to designate an area for special management during the season shall state all conditions for that specific area. The public notice shall state the length of time that the area is opened or closed, allowable gear, bushel limits, and the days of the week a person may catch oysters in the area. Special management for a specific area is determined in consultation with the appropriate county oyster committee to implement the oyster management plan.

**Additional Information:**

[Oyster Fishery Management Options](#) — Presented at the Oyster Advisory Commission, Tidal Fisheries Advisory Commission, and Sport Fisheries Advisory Commission meetings during the week of April 15, 2019.

[Maryland Oyster Management Plan](#)

[Oyster Stock Assessment](#)