



Larry Hogan, Governor  
Boyd Rutherford, Lt. Governor  
Jeannie Haddaway-Riccio, Secretary

December 18, 2020

The Honorable Paul Pinsky  
Chair, Senate Education, Health and Environmental Affairs Committee  
2W Miller Senate Office Building  
Annapolis, Maryland 21401-1991

The Honorable Kumar Barve  
Chair, Environment and Transportation Committee  
Room 251 House Office Building  
Annapolis, Maryland 21401-1991

Re: Submission of Oyster Poaching –Administrative Penalties Report  
Agency: Maryland Department of Natural Resources  
Report Authority: § 4-1210(e) of the Natural Resources Article (MSAR #11681)

Dear Chairmen:

In accordance with, § 4-1210(e) of the Natural Resources Article, please accept the Oyster Poaching – Administrative Penalties report as required by the legislation passed in 2018 Maryland General Assembly, HB 1172, Chapter 520.

Additional hard copies will be filed with the Legislative Library, but we are happy to provide committee members with hard copies upon request. Should you have any questions or comments regarding this report, please feel free to contact James W. McKittrick, Director, Legislative and Constituent Services at jamesw.mckittrick@maryland.gov or 443-510-5013.

Sincerely,

Jeannie Haddaway-Riccio  
Secretary

Enclosure

cc: Sarah Albert, Department of Legislative Services (5 copies)  
James W. McKittrick



Larry Hogan, Governor  
Boyd Rutherford, Lt. Governor  
Jeannie Haddaway-Riccio, Secretary

**LEGISLATIVE REPORT** - Pursuant to the language set forth in HB 1172, Chapter 520 of 2018 (MSAR# 11681) (Oyster Poaching – Administrative Penalties).

**BACKGROUND**

Chapter 520 of 2018 modifies the department’s authority to revoke commercial oyster authorizations pursuant to certain violations of the Natural Resources Article.

Under Natural Resources Article, §4-1210, Annotated Code of Maryland, the department may initiate an action to revoke a commercial oyster authorization of a commercially licensed individual if they receive a citation for 1) taking oysters located more than 200 feet within a closed or prohibited area, 2) taking oysters with gear that is prohibited in that area, 3) taking oysters outside of a time restriction for the harvest of oysters by more than 1 hour, 4) taking oysters during closed seasons, or 5) taking oysters from a leased area by a person other than the leaseholder or the leaseholder’s designee. If the presiding officer of the hearing finds that the offense was committed knowingly, the department shall revoke the individual’s authorization to catch oysters.

HB 1172 required that the department submit to the Senate Education, Health, and Environmental Affairs Committee and the House Environment and Transportation Committee a report on the number of citations issued during the previous year for the enumerated offenses and the action taken. The report also outlines the penalty imposed by the department for each offense.

**NUMBER OF CITATIONS ISSUED FOR ENUMERATED OFFENSES (Jan. - Dec. 2019)**

Taking oysters located more than 200 feet within a closed or prohibited area	<b>4</b>
Taking oysters with gear that is prohibited in that area	<b>6</b>
Taking oysters outside of a time restriction for the harvest of oysters by more than 1 hour	<b>0</b>
Taking oysters during closed seasons	<b>18</b>
Taking oysters from a leased area by a person other than the leaseholder or the leaseholder’s designee	<b>0</b>

**ACTION TAKEN/PENALTY IMPOSED BY THE DEPARTMENT FOR EACH OFFENSE**

NR0130M8K	Case still active
4Y66246933	No action taken – received Probation Before Judgement (PBJ) in court
2Y66235269	No action taken – received PBJ in court
0Y66258276	No action taken – received PBJ in court
4Y66259988 5Y66235419 6Y66235420 1Y66259985 1Y66245747 6Y66245745 0Y66259984 0Y66245746	Department proposed revocation of oyster authorization; Office of Administrative Hearings found in favor of defendants (all citations part of one incident with two defendants)
NR01B0U42	Recreational violation
NR0500RT2	Recreational violation
NR0490Q5K	Recreational violation
NR0470Q5K	Recreational violation

NR01D0RT2	Recreational violation
NR01B0RT2	Recreational violation
NR04R0RT2	Recreational violation
NR02T0RT2	Recreational violation
NR0450Q5K	Recreational violation
NR0540RT2	Recreational violation
NR0580RT2	Recreational violation
NR01F0RT2	Recreational violation
NR04W0RT2	Case still open - Recreational violation
NR0040M8K	Recreational violation
NR00H0RT3	Recreational violation
NR00J0RT3	Recreational violation