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March 12, 2020

Honorable Cheryl C. Kagan
Vice Chair, Education, Health, and
Environmental Affairs Committee
2 West Miller Senate Office Bldg.
11 Bladen Street
Annapolis, Maryland 21401
cheryl.kagan@senate.state.md.us

Honorable Jen Terrasa
House of Delegates
215 House Office Building
6 Bladen Street
Annapolis, Maryland 21401
jen.terrasa@house.state.md.us

Re: SB 629 / HB 1306 Natural Resources – SAV Protection Zones and Hydraulic
Clam Dredges (Aquatic Habitat Protection Act)

Dear Senator Kagan and Delegate Terrasa:

On behalf of Delmarva Fisheries Association, which includes the Maryland Clammers Association, we are writing to provide you as the sponsors of companion bills SB 629 and HB 1306 with relevant factual information to correct misleading testimony given by proponents of the legislation during the bill hearings and to supplement our opposition testimony.

As stated in our testimony, there is no scientific report or study evidencing that commercial clamming is harmful to SAV growth and no justification to arbitrarily limit the legal use of hydraulic clam dredges in the name of SAV protection. In an effort to cover up this blind spot, the chief proponents referenced “the Manning study” in their testimony as justification for the imposition of a 150-foot setback for clambers from SAV protection zones. To cite “the Manning study” for such purposes is dishonest and misleading, and here is why:

- The so-called “Manning Study” is *The Maryland Soft Shell Clam Industry and Its Effects of Tidewater Resources*, published in 1957 (the “Study”);
- The Study was conducted by Joseph H. Manning, a biologist with the then Chesapeake Biological Laboratory in Solomons, Maryland. It was not a DNR study as stated by the proponents;
- The Study was conducted for the General Assembly for the purpose of assessing the impacts of clamming on numerous tidewater resources (i.e., crabs, fish, clams, SAV), not just oysters as stated by the proponents.
- With respect to oysters (not clams), the Study entailed an experimental area where clam dredging was conducted at distances ranging from 25 ft. to 400 ft. from oysters down-current, and concluded from observation during the 2-week period after the dredging, and again after 4 months that “enough sediment was displaced and redeposited to a distance of at least 50 feet but not more than 75 feet downcurrent to cause possible damage to oyster spat. Beyond about 75 feet there has been no visible or measurable change in the experimental area.”

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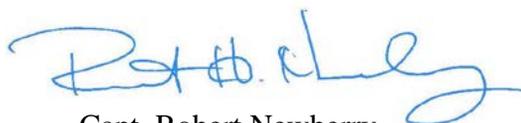
- The Study carefully examined the impacts of clam dredging on SAV, yet no setback distance from SAV was recommended with respect to clamming;
- With respect to clamming, the Study concluded (page 22): “All the evidence indicates that the effects of hydraulic clam dredging on aquatic vegetation are negligible except on a highly localized basis.” The “highly localized basis” would be clam dredging occurring directly in an SAV bed, which is prohibited;
- The Study also observed in certain areas that “natural forces and conditions have had a great deal more to do with the distribution and abundance of vegetation [SAV] than has clam dredging.” (page 22)

Quoting from the cover letter transmitting the Study to the General Assembly as an interim report: “Wise policy for the best use of the Chesapeake Bay and its tributaries must extend beyond the temporary solution of local controversies.” We couldn’t agree more.

With all the challenges facing commercial watermen and the Maryland seafood industry, it is grossly unfair and disheartening to be forced to expend limited resources fighting ill-conceived legislation with no or faux science to back it up. There is no nexus between commercial (legal) clamming and the myriad threats to SAV.

Thank you for your attention to this important supplemental information relative to SB 629 and HB 1306 and for your consideration of our views and comments.

Sincerely,



Capt. Robert Newberry
Chairman

cc: Members, Senate Education, Health, and Environmental Affairs Committee
Members, House Environment and Transportation Committee
James Thomas, President, Maryland Clammers Association



THE MARYLAND SOFT SHELL CLAM INDUSTRY AND ITS EFFECTS ON TIDEWATER RESOURCES

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INTRODUCTION

This publication has been prepared expressly for the information of members of the Maryland General Assembly. The report contains, in as brief form as we feel to be consistent with its purpose, factual information and reasoned judgments pertaining to the soft shell clam industry and its effects on tidewater resources. Full scientific reports on the Department's soft shell clam research projects will be published as they are completed.

The report is presented in 7 main divisions:

- I. Design and operation of the hydraulic clam dredge.
- II. Summary of knowledge of Maryland's soft shell clam resource.
- III. Development and present status of the Maryland soft shell clam industry.
- IV. Potential value of the Maryland soft shell clam resource.
- V. Effects of the hydraulic clam dredge on tidewater resources.
- VI. Evaluation of the effects of certain proposals concerning the soft shell clam industry.
- VII. Summary.

The text is arranged in consecutively numbered sections which are indexed numerically and by subject headings on page 2.

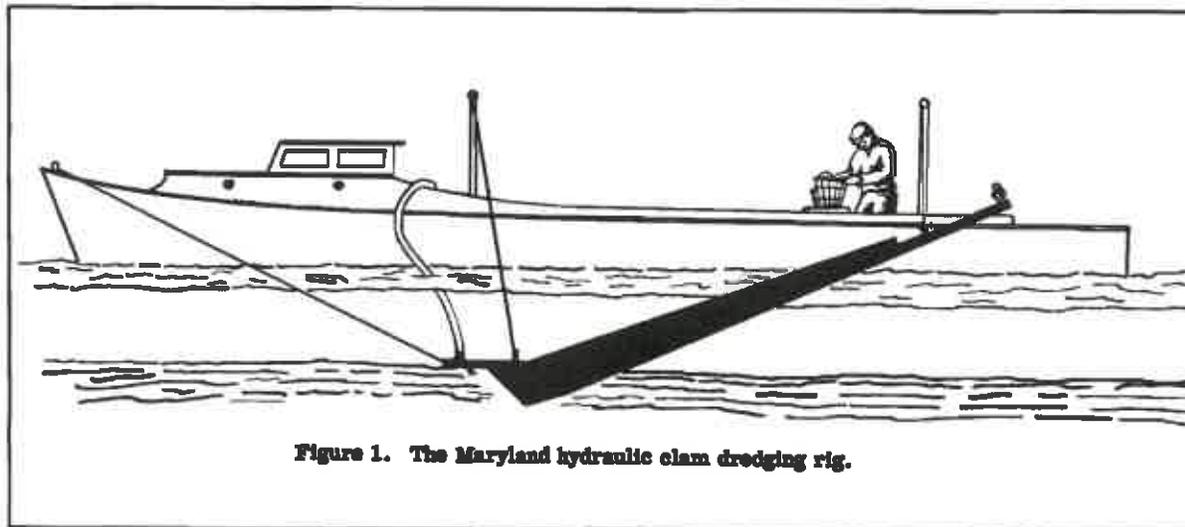


Figure 1. The Maryland hydraulic clam dredging rig.

Figure 1 is a diagrammatic representation of the hydraulic clam dredge which has made possible exploitation of Maryland's stocks of the soft shell clam (*Mya arenaria*). Jets of water loosen the soil ahead of the dredge, which is towed by the boat. The catch is elevated on an endless belt and culled as it nears the after end of the conveyor.