

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1285 (Delegate Mautz, *et al.*)
Environment and Transportation

Natural Resources - Reclassification of Oyster Sanctuaries - Authorization

This bill authorizes the Department of Natural Resources (DNR) – with the exception of specified large-scale restoration oyster sanctuaries established in statute – to reclassify an oyster sanctuary with specified declining oyster population as an oyster growth sanctuary to foster the placement of oyster seed and encourage the reproduction and growth of oysters. **The bill takes effect July 1, 2020.**

Fiscal Summary

State Effect: The bill does not directly affect State finances.

Local Effect: None.

Small Business Effect: Minimal or none.

Analysis

Bill Summary: The bill authorizes DNR to reclassify an oyster sanctuary, in which the oyster population has declined by 15% or more over a 10-year period, as an oyster growth sanctuary. However, the authorization does not apply to the oyster sanctuaries established in statute that are in the five tributaries identified by DNR for large-scale restoration in accordance with the 2014 Chesapeake Bay Watershed Agreement.

The purpose of an oyster growth sanctuary is to foster the placement of oyster seed and encourage the reproduction and growth of oysters. Any activity conducted in an oyster growth sanctuary must comply with adaptive management practices implemented in accordance with the 2019 Maryland Chesapeake Bay Oyster Management Plan. An oyster

growth sanctuary must be considered an oyster sanctuary for purposes of calculating the 2019 Maryland Chesapeake Bay Oyster Management Plan objective that a minimum of between 20% and 30% of oyster habitat be preserved in sanctuaries.

Current Law:

Restriction on Reduction or Alteration of Oyster Sanctuary Boundaries

Chapters 5 and 9 of 2020 prohibit DNR from taking any action to reduce or alter the boundaries of existing oyster sanctuaries until the department has developed a fisheries management plan for the scientific management of the oyster stock based on management strategies and measurements recommended by the Oyster Advisory Commission (OAC) through a consensus recommendations process (established under Chapters 5 and 9) and determined by the department in consultation with the University of Maryland Center for Environmental Science.

Large-scale Restoration Sanctuaries

Chapters 17 and 754 of 2019 establish in statute a network of five oyster sanctuaries (in Harris Creek, the Little Choptank River, the Tred Avon River, the St. Mary's River, and the Manokin River). With the exception of aquaculture activities under a valid lease, Chapters 17 and 754 prohibit catching oysters in or removing oyster seed from the five sanctuaries or sanctuaries established by DNR in regulation.

Background:

Oyster Sanctuaries

An oyster sanctuary is an area that is permanently closed to oyster harvesting. Maryland established its first oyster sanctuary in the Tred Avon River in 1961. Between that time and 2010, additional sanctuaries were established throughout the bay, some for research and educational purposes and some for restoration purposes. In 2008, OAC recommended expanding sanctuaries in the bay. In response, DNR established new oyster sanctuaries, increasing the percentage of quality oyster bars designated as sanctuaries from 9% to 24%. Currently, sanctuaries cover 252,285 acres, including 78,520 acres (or about 24%) of the State's Historic Oyster Bottom, and are located throughout the bay and its tributaries. For additional background on oyster sanctuaries and on oyster restoration in the State in general, see [Oyster Restoration in Maryland](#), Department of Legislative Services (December 2019).

2019 Oyster Management Plan

DNR released a final draft of the 2019 Maryland Chesapeake Bay Oyster Management Plan in summer 2019, replacing the previous plan released in 2004 and amended in 2010. The plan describes the history and current status of the State’s oyster fishery and provides a broad framework for managing oyster harvesting, restoration, and aquaculture going forward to “conserve, protect, and where possible, rebuild oyster populations to fulfill their important ecological role and to support the culturally significant oyster fishery and industry throughout the Maryland portion of the Chesapeake Bay.”

One of the plan’s overarching oyster resource objectives is to “[a]pply an adaptive management approach to modify or adjust objectives, strategies and/or actions as monitoring results, scientific data and other relevant information become available to improve outcomes.”

One of the plan’s sanctuary objectives is to “[c]onserve and protect oyster habitat and biomass through maintenance of sanctuaries so that a minimum of 20% to 30% of oyster habitat, and 50% of the ‘best bars’ are within sanctuaries.”

Additional Information

Prior Introductions: None.

Designated Cross File: SB 678 (Senator Eckardt) - Education, Health, and Environmental Affairs.

Information Source(s): Department of Natural Resources; University System of Maryland; Department of Legislative Services

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