

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

Senate Bill 984 (Senator Colburn, *et al.*)
Education, Health, and Environmental Affairs

Natural Resources - Designation of Oyster Sanctuaries - Moratorium

This bill prohibits the Department of Natural Resources (DNR) from designating a new oyster sanctuary in State waters before October 1, 2018.

The bill terminates September 30, 2018.

Fiscal Summary

State Effect: The bill limits DNR's ability to expend and secure federal oyster restoration funding.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Current Law: Oyster sanctuaries have been established via statute and regulation. Statutory provisions designate several oyster sanctuaries – protected oyster restoration areas – in waters of the State that are contiguous to Calvert, Dorchester, Somerset, and St. Mary's counties. Current regulations designate numerous oyster sanctuaries throughout the Chesapeake Bay, including significant portions of the Chester, Choptank, Magothy, Severn, and South rivers.

DNR is generally authorized to take measures which seem best calculated to increase the productivity or utility of oyster resources in the State. Current regulations designating

oyster sanctuaries identify this broad statutory authority as the basis for such designations.

Background: Since 1994, the Chesapeake Bay's oyster population has languished at 1% of historic levels, suitable oyster habitat has decreased 80%, and the number of harvesters has dwindled. To help reverse this trend, DNR unveiled a new management and restoration plan for oysters and the State's oyster industry in December 2009. The plan increased the State's network of oyster sanctuaries from 9% to 24% of the bay's remaining quality oyster bars, established oyster aquaculture leasing opportunities and related financial assistance programs, and maintained 76% of the bay's remaining quality oyster habitat for a public oyster fishery.

The expansion of Maryland's oyster sanctuary network was identified as the preferred strategy for restoring the bay's oyster resource in a six-year regional Programmatic Environmental Impact Statement on oyster restoration alternatives and by the Maryland Oyster Advisory Commission. DNR advises that the sanctuary network was designed to protect half of the bay's most productive oyster grounds and investigate why they remain productive despite disease, facilitate development of natural disease resistance, provide essential natural ecological functions, serve as a reservoir of reproductive capacity, provide broad geographic distribution across all salinity zones, and increase the State's ability to protect important areas from poaching.

State Fiscal Effect: DNR collaborates on oyster restoration with federal partners, including the U.S. National Oceanic and Atmospheric Administration and the U.S. Army Corps of Engineers. The federal government provides approximately \$2.5 million annually for oyster restoration work in State waters. DNR's current oyster restoration efforts with federal partners are predicated upon periodically adjusting the State's oyster sanctuary network. DNR advises that being limited to the current sanctuaries will not provide sufficient restoration flexibility and opportunities for continued federal funding support. Thus, the bill limits DNR's ability to secure and expend federal oyster restoration funding until the bill's prohibition no longer applies.

Additional Information

Prior Introductions: SB 809 of 2010, a similar bill, received an unfavorable report from the Senate Education, Health, and Environmental Affairs Committee.

Cross File: None.

Information Source(s): Department of Natural Resources, Department of Legislative Services

Fiscal Note History: First Reader - March 5, 2013
mlm/lgc

Analysis by: Amanda Mock

Direct Inquiries to:
(410) 946-5510
(301) 970-5510