

HOUSE BILL 924

M2

7lr3310

By: **Delegates Gilchrist, Barve, Carr, Frush, Lafferty, Robinson, ~~and Stein~~ Stein, Beidle, Fraser-Hidalgo, Healey, Holmes, and McCray**

Introduced and read first time: February 6, 2017

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 12, 2017

CHAPTER _____

1 AN ACT concerning

2 **Natural Resources – Oyster Management – Prohibited Actions**

3 FOR the purpose of prohibiting the Department of Natural Resources from reducing or
4 altering the boundaries of certain oyster sanctuaries until the Department develops
5 a certain plan; providing for the construction of this Act; and generally relating to
6 oyster management.

7 BY repealing and reenacting, without amendments,

8 Article – Natural Resources

9 Section 4–215(e)(3)

10 Annotated Code of Maryland

11 (2012 Replacement Volume and 2016 Supplement)

12 BY adding to

13 Article – Natural Resources

14 Section 4–215(e)(4)

15 Annotated Code of Maryland

16 (2012 Replacement Volume and 2016 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

18 That the Laws of Maryland read as follows:

19 **Article – Natural Resources**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 4–215.

2 (e) (3) (i) The Department, in consultation with the University of
3 Maryland Center for Environmental Science, as part of its fishery management plan for
4 oysters, shall conduct a study to:

5 1. Identify all available data that may be used to conduct a
6 stock assessment;

7 2. Identify possible stock assessment techniques that may be
8 applied based on available data and the identified objectives under subsection (d) of this
9 section for the resource and the fishery;

10 3. Conduct a stock assessment that provides guidance for the
11 development of biological reference points that are based on the biological characteristics
12 of the oyster population and other appropriate factors that affect the oyster population;

13 4. Identify objective and measurable means to determine if
14 the public oyster fishery is operating within the biological reference points developed under
15 this paragraph; and

16 5. Submit the study to a peer review panel composed of stock
17 assessment experts.

18 (ii) Based on a determination made under item (i)4 of this paragraph
19 and the authority of the Department under this section, the Department, through a public
20 process in collaboration with the commercial oyster industry, conservation organizations,
21 and other concerned stakeholders, shall identify management strategies to address the
22 maintenance of a sustainable oyster population and fishery.

23 (iii) The Department shall submit to the Governor, the Oyster
24 Advisory Commission, and, in accordance with § 2–1246 of the State Government Article,
25 the General Assembly, with respect to the study required under this paragraph and any
26 proposed or implemented oyster management strategies:

27 1. An interim progress report on or before December 1, 2016;

28 2. A subsequent interim progress report on or before
29 December 1, 2017; and

30 3. A final report on or before December 1, 2018.

31 (4) (1) ~~THE~~ THE SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,
32 THE DEPARTMENT MAY NOT TAKE ANY ACTION TO REDUCE OR ALTER THE
33 BOUNDARIES OF THE OYSTER SANCTUARIES ESTABLISHED IN “OYSTER
34 SANCTUARIES OF THE CHESAPEAKE BAY AND ITS TIDAL TRIBUTARIES
35 (SEPTEMBER 2010)” UNTIL THE DEPARTMENT HAS DEVELOPED A FISHERIES

1 MANAGEMENT PLAN FOR THE SCIENTIFIC MANAGEMENT OF THE OYSTER STOCK
2 FOLLOWING THE COMPLETION OF ITS REPORTS IN ACCORDANCE WITH PARAGRAPH
3 (3) OF THIS SUBSECTION.

4 (ii) THIS PARAGRAPH MAY NOT BE CONSTRUED TO PREVENT
5 THE DEPARTMENT FROM:

6 1. SELECTING THE FINAL TWO TRIBUTARIES FOR
7 TRIBUTARY-SCALE OYSTER RESTORATION SANCTUARY PROJECTS IN ACCORDANCE
8 WITH THE 2014 CHESAPEAKE BAY AGREEMENT; OR

9 2. ESTABLISHING, IN THE DISCRETION OF THE
10 DEPARTMENT, ANY DIMENSIONS FOR A TRIBUTARY-SCALE OYSTER RESTORATION
11 SANCTUARY PROJECT.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
13 1, 2017.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.