

Chapter 543

(House Bill 1231)

AN ACT concerning

Natural Resources – Fisheries – Oyster Management

FOR the purpose of repealing a provision of law prohibiting the Department of Natural Resources from taking any action to reduce or alter the boundaries of certain oyster sanctuaries until the Department has developed a certain updated fishery management plan for oysters; ~~authorizing a person to dredge by power boat in the public oyster fishery area in Eastern Bay in Queen Anne's and Talbot counties;~~ and generally relating to oyster management.

BY repealing

Article – Natural Resources
 Section 4–215(e)(4)
 Annotated Code of Maryland
 (2023 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article – Natural Resources
 Section 4–215(e)(5) ~~and 4–1005(a)~~
 Annotated Code of Maryland
 (2023 Replacement Volume and 2023 Supplement)

BY adding to

Article – Natural Resources
 Section 4–215(e)(5) ~~and 4–1011~~
 Annotated Code of Maryland
 (2023 Replacement Volume and 2023 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 That the Laws of Maryland read as follows:

Article – Natural Resources

4–215.

(e) [(4) (i) Subject to subparagraph (ii) of this paragraph, the Department may not take any action to reduce or alter the boundaries of the oyster sanctuaries established in “Oyster Sanctuaries of the Chesapeake Bay and its Tidal Tributaries (September 2010)” until the Department has developed an updated fisheries management plan for the scientific management of the oyster stock based on management strategies and measurements recommended by the Oyster Advisory Commission under paragraph (5) of

this subsection and determined by the Department in consultation with the University of Maryland Center for Environmental Science.

(ii) The fishery management plan developed in accordance with paragraph (5) of this subsection shall:

1. End the overfishing of oysters in all areas and regions of the Chesapeake Bay and its tributaries where overfishing has occurred according to biological reference points established by the most recent oyster stock assessment while maintaining a harvest in the fishery;
2. Achieve fishing mortality rates at target levels;
3. Increase oyster abundance;
4. Increase oyster habitat; and
5. Facilitate the long-term sustainable harvest of oysters, including the public fishery.

(iii) This paragraph may not be construed to prevent the Department from:

1. Selecting the final two tributaries for tributary-scale oyster restoration sanctuary projects in accordance with the 2014 Chesapeake Bay Agreement; or
2. Establishing, in the discretion of the Department, any dimensions for a tributary-scale oyster restoration sanctuary project.]

[(5)] (4) (i) The Department shall:

1. In coordination with the University of Maryland Center for Environmental Science and the Oyster Advisory Commission, develop a package of consensus recommendations for enhancing and implementing the fishery management plan for oysters that will be informed by a collaboratively developed, science-based modeling tool to quantify the long-term impacts of identified management actions and possible combinations of management actions on:

- A. Oyster abundance;
- B. Oyster habitat;
- C. Oyster harvest;
- D. Oyster harvest revenue; and

E. Nitrogen removal; and

2. Hold public listening sessions throughout the State to identify possible management actions for use in the public oyster fishery.

(ii) The Oyster Advisory Commission, with the assistance of external conflict resolution and facilitation specialists, shall:

1. Develop a package of consensus recommendations through a facilitated consensus solutions process, based on a 75% majority agreement level for each recommendation;

2. Recommend management actions or combinations of management actions to achieve the targets identified in the oyster stock assessment with the goal of increasing oyster abundance; and

3. Review model results for each management action or combination of management actions to inform its recommendations.

(iii) 1. The Department shall submit interim reports on the development of the package of consensus recommendations by August 1, 2020, December 1, 2020, and August 1, 2021, to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly.

2. In addition to the requirements under subparagraph 1 of this subparagraph, the Department shall include in the interim report submitted by August 1, 2021:

A. The status of the development of the science-based modeling tool used to quantify the long-term impacts of identified management actions; and

B. A summary of the model results of any actions identified by the Oyster Advisory Commission on or before the date of the interim report.

3. The Department shall provide a final report by December 1, 2021, which will include an implementation schedule for the consensus recommendations, to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly.

(iv) To be responsive to changes in the oyster resource due to environmental conditions, the Department shall:

1. Review the status of the stock relative to reference points every 2 years and conduct a benchmark stock assessment every 6 years with consideration of new methods and with external peer review; and
2. With the input of interested stakeholders, implement management actions that increase oyster habitat, maintain harvest, and grow the oyster stock.

(5) THE FISHERY MANAGEMENT PLAN DEVELOPED IN ACCORDANCE WITH PARAGRAPH (4) OF THIS SUBSECTION SHALL:

(I) END THE OVERFISHING OF OYSTERS IN ALL AREAS AND REGIONS OF THE CHESAPEAKE BAY AND ITS TRIBUTARIES WHERE OVERFISHING HAS OCCURRED ACCORDING TO BIOLOGICAL REFERENCE POINTS ESTABLISHED BY THE MOST RECENT OYSTER STOCK ASSESSMENT WHILE MAINTAINING A HARVEST IN THE FISHERY;

(II) ACHIEVE FISHING MORTALITY RATES AT TARGET LEVELS;

(III) INCREASE OYSTER ABUNDANCE;

(IV) INCREASE OYSTER HABITAT; AND

(V) FACILITATE THE LONG-TERM SUSTAINABLE HARVEST OF OYSTERS, INCLUDING THE PUBLIC FISHERY.

~~4-1005.~~

~~(a) Subject to AUTHORIZATIONS AND restrictions promulgated pursuant to this subtitle, a person may catch oysters or clams in the waters of the State only by hand, rakes, tongs, patent tongs, diving apparatus, dredges, handscrapes, cultch material suspended on strings, in trays, in bags, or similar devices. Soft-shell clams may be caught by hydraulic or mechanical dredges or rigs.~~

~~4-1011.~~

~~A PERSON MAY DREDGE BY POWER BOAT IN THE PUBLIC OYSTER FISHERY AREA IN EASTERN BAY IN QUEEN ANNE'S AND TALBOT COUNTIES.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

Approved by the Governor, May 9, 2024.