

SENATE BILL 678

M2

0lr3032
CF 0lr2261

By: **Senator Eckardt**

Introduced and read first time: February 3, 2020

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Reclassification of Oyster Sanctuaries – Authorization**

3 FOR the purpose of authorizing the Department of Natural Resources to reclassify an
4 oyster sanctuary in which the oyster population has declined by a certain amount
5 over a certain number of years as an oyster seed sanctuary; establishing the purpose
6 of an oyster seed sanctuary; requiring that any activity conducted in an oyster seed
7 sanctuary comply with certain adaptive management practices; requiring that an
8 oyster seed sanctuary be considered an oyster sanctuary for purposes of calculating
9 a certain oyster habitat objective; making a conforming change; providing for the
10 application of this Act; and generally relating to oyster sanctuaries.

11 BY repealing and reenacting, with amendments,
12 Article – Natural Resources
13 Section 4–215(e)(3)
14 Annotated Code of Maryland
15 (2018 Replacement Volume and 2019 Supplement)

16 BY adding to
17 Article – Natural Resources
18 Section 4–1014.5
19 Annotated Code of Maryland
20 (2018 Replacement Volume and 2019 Supplement)

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

23 **Article – Natural Resources**

24 4–215.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(e) (3) (i) Subject to subparagraph (ii) of this paragraph **AND EXCEPT AS PROVIDED IN § 4-1014.5 OF THIS TITLE**, 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 a fisheries management plan for the scientific management of the oyster stock following the completion of its reports in accordance with paragraph (3) of this subsection.

(ii) 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.

4-1014.5.

(A) THIS SECTION DOES NOT APPLY TO THE NETWORK OF OYSTER SANCTUARIES ESTABLISHED UNDER § 4-1014 OF THIS SUBTITLE.

(B) (1) THE DEPARTMENT MAY RECLASSIFY AN OYSTER SANCTUARY IN WHICH THE OYSTER POPULATION HAS DECLINED BY 15% OR MORE OVER A 10-YEAR PERIOD AS AN OYSTER SEED SANCTUARY.

(2) THE PURPOSE OF THE OYSTER SEED SANCTUARY IS TO FOSTER THE PLACEMENT OF OYSTER SEED AND ENCOURAGE THE REPRODUCTION AND GROWTH OF OYSTERS.

(3) ANY ACTIVITY CONDUCTED IN AN OYSTER SEED SANCTUARY MUST COMPLY WITH ADAPTIVE MANAGEMENT PRACTICES IMPLEMENTED IN ACCORDANCE WITH THE 2019 MARYLAND CHESAPEAKE BAY OYSTER MANAGEMENT PLAN.

(C) AN OYSTER SEED SANCTUARY SHALL 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.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.