

Chapter 27

(House Bill 924)

AN ACT concerning

Natural Resources – Oyster Management – Prohibited Actions

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

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 4–215(e)(3)
Annotated Code of Maryland
(2012 Replacement Volume and 2016 Supplement)

BY adding to
Article – Natural Resources
Section 4–215(e)(4)
Annotated Code of Maryland
(2012 Replacement Volume and 2016 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) (3) (i) The Department, in consultation with the University of Maryland Center for Environmental Science, as part of its fishery management plan for oysters, shall conduct a study to:

1. Identify all available data that may be used to conduct a stock assessment;
2. Identify possible stock assessment techniques that may be applied based on available data and the identified objectives under subsection (d) of this section for the resource and the fishery;
3. Conduct a stock assessment that provides guidance for the development of biological reference points that are based on the biological characteristics of the oyster population and other appropriate factors that affect the oyster population;

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

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

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

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

1. An interim progress report on or before December 1, 2016;
2. A subsequent interim progress report on or before December 1, 2017; and
3. A final report on or before December 1, 2018.

(4) (I) ~~THE~~ 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 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.

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

Enacted under Article II, § 17(b) of the Maryland Constitution, April 6, 2017.