

HOUSE BILL 1285

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CF SB 678

By: **Delegates Mautz, Anderton, Arian, Buckel, Chisholm, Cox, Hornberger,
Mangione, McComas, and Morgan**

Introduced and read first time: February 7, 2020

Assigned to: Environment and Transportation

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 growth sanctuary; establishing the
6 purpose of an oyster growth sanctuary; requiring that any activity conducted in an
7 oyster growth sanctuary comply with certain adaptive management practices;
8 requiring that an oyster growth sanctuary be considered an oyster sanctuary for
9 purposes of calculating a certain oyster habitat objective; making a conforming
10 change; providing for the application of this Act; and generally relating to oyster
11 sanctuaries.

12 BY repealing and reenacting, with amendments,
13 Article – Natural Resources
14 Section 4–215(e)(3)
15 Annotated Code of Maryland
16 (2018 Replacement Volume and 2019 Supplement)

17 BY adding to
18 Article – Natural Resources
19 Section 4–1014.5
20 Annotated Code of Maryland
21 (2018 Replacement Volume and 2019 Supplement)

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

24 **Article – Natural Resources**

25 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 GROWTH SANCTUARY.

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

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

(C) AN OYSTER GROWTH 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.