

HOUSE BILL 924

M2

7lr3310

By: **Delegates Gilchrist, Barve, Carr, Frush, Lafferty, Robinson, and Stein**
Introduced and read first time: February 6, 2017
Assigned to: Environment and Transportation

A BILL ENTITLED

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 certain oyster sanctuaries until the Department develops a certain plan; and
5 generally relating to oyster management.

6 BY repealing and reenacting, without amendments,
7 Article – Natural Resources
8 Section 4–215(e)(3)
9 Annotated Code of Maryland
10 (2012 Replacement Volume and 2016 Supplement)

11 BY adding to
12 Article – Natural Resources
13 Section 4–215(e)(4)
14 Annotated Code of Maryland
15 (2012 Replacement Volume and 2016 Supplement)

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

18 **Article – Natural Resources**

19 4–215.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

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

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

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

25 **(4) THE DEPARTMENT MAY NOT TAKE ANY ACTION TO REDUCE OR**
26 **ALTER THE OYSTER SANCTUARIES ESTABLISHED IN “OYSTER SANCTUARIES OF THE**
27 **CHESAPEAKE BAY AND ITS TIDAL TRIBUTARIES (SEPTEMBER 2010)” UNTIL THE**
28 **DEPARTMENT HAS DEVELOPED A FISHERIES MANAGEMENT PLAN FOR THE**
29 **SCIENTIFIC MANAGEMENT OF THE OYSTER STOCK FOLLOWING THE COMPLETION OF**
30 **ITS REPORTS IN ACCORDANCE WITH PARAGRAPH (3) OF THIS SUBSECTION.**

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
32 1, 2017.