

HOUSE BILL 1525

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By: **Delegates Hucker, Bobo, Frush, and Niemann**

Introduced and read first time: March 8, 2010

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Oysters – Fishery Management Plan and Sanctuaries**

3 FOR the purpose of requiring the fishery management plan for oysters to include
4 certain additional objectives and conservation and management measures and
5 to recognize and adjust for certain factors; requiring, on or before a certain date,
6 the Department of Natural Resources to prohibit by regulation the harvest or
7 attempted harvest of oysters from certain waters of the State until the
8 Department has adopted a certain fishery management plan that meets certain
9 requirements and certain regulations that establish certain oyster sanctuaries;
10 requiring, on or before a certain date, the Department to establish certain
11 oyster sanctuaries by regulation; providing for the application of certain
12 provisions of this Act; defining a certain term; and generally relating to the
13 management of oyster resources in the State.

14 BY repealing and reenacting, with amendments,
15 Article – Natural Resources
16 Section 4–215(h)
17 Annotated Code of Maryland
18 (2005 Replacement Volume and 2009 Supplement)

19 BY adding to
20 Article – Natural Resources
21 Section 4–215.5 and 4–1008.2
22 Annotated Code of Maryland
23 (2005 Replacement Volume and 2009 Supplement)

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

26 **Article – Natural Resources**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 4-215.

2 (h) Notwithstanding any other provision of this title, except [4-1002] §§
3 4-1002 AND 4-1008.2 of this title, once a fishery management plan has been adopted
4 by regulation, the State's fishery resources shall be harvested in accordance with the
5 conservation and management measures in the fishery management plan and any
6 regulations implementing or amending that plan.

7 4-215.5.

8 A FISHERY MANAGEMENT PLAN FOR OYSTERS ADOPTED BY THE
9 DEPARTMENT IN ACCORDANCE WITH § 4-215 OF THIS SUBTITLE SHALL:

10 (1) INCLUDE THE FOLLOWING OBJECTIVES:

11 (I) RETENTION OF REEF HABITAT;

12 (II) DEVELOPMENT OF DISEASE TOLERANCE IN OYSTERS;

13 (III) PRESERVATION OF CONNECTIVITY BETWEEN REEF
14 HABITATS TO SUPPORT THE ROLE OYSTERS PLAY IN THE CHESAPEAKE BAY
15 ECOSYSTEM; AND

16 (IV) LONG-TERM BIOLOGICAL AND ECOLOGICAL
17 SUSTAINABILITY OF OYSTERS IN STATE WATERS;

18 (2) INCLUDE THE FOLLOWING CONSERVATION AND
19 MANAGEMENT MEASURES:

20 (I) SPECIFIC FISHING MORTALITY RATE LIMITS BASED ON
21 BIOLOGICAL AND ECOLOGICAL REFERENCE POINTS; AND

22 (II) SPECIFIC HARVEST THRESHOLDS AND GUIDELINES FOR
23 ACTION IF THE THRESHOLDS ARE MET OR EXCEEDED; AND

24 (3) RECOGNIZE AND ADJUST FOR LIKELY:

25 (I) DISCREPANCIES BETWEEN THE OYSTER HARVEST
26 REPORTED TO THE DEPARTMENT AND THE ACTUAL OYSTER HARVEST; AND

27 (II) DIFFICULTIES IN ENFORCING OYSTER MANAGEMENT
28 LAWS.

29 4-1008.2.

1 **(A) IN THIS SECTION, “AVAILABLE OYSTER HABITAT” MEANS THE AREA**
2 **OF HABITAT AVAILABLE FOR OYSTER SETTLEMENT AS DETERMINED BY THE**
3 **PROCESS DESCRIBED IN SECTION 2.2, APPENDIX A, OF THE FINAL**
4 **PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT FOR OYSTER**
5 **RESTORATION IN CHESAPEAKE BAY INCLUDING THE USE OF A NATIVE AND/OR**
6 **NONNATIVE OYSTER, COMPLETED BY THE NORFOLK DISTRICT OF THE U.S.**
7 **ARMY CORPS OF ENGINEERS, THE DEPARTMENT, AND THE VIRGINIA MARINE**
8 **RESOURCES COMMISSION IN 2009.**

9 **(B) THIS SECTION DOES NOT APPLY TO AQUACULTURE ACTIVITIES**
10 **AUTHORIZED UNDER THIS ARTICLE.**

11 **(C) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, ON**
12 **OR BEFORE OCTOBER 1, 2010, THE DEPARTMENT SHALL PROHIBIT, BY**
13 **REGULATION, THE HARVEST OR ATTEMPTED HARVEST OF OYSTERS FROM THE**
14 **WATERS OF THE STATE UNTIL THE DEPARTMENT HAS ADOPTED:**

15 **(1) A FISHERY MANAGEMENT PLAN FOR OYSTERS THAT MEETS**
16 **THE REQUIREMENTS OF § 4-215.5 OF THIS TITLE; AND**

17 **(2) THE REGULATIONS REQUIRED UNDER SUBSECTION (D) OF**
18 **THIS SECTION.**

19 **(D) ON OR BEFORE DECEMBER 31, 2010, THE DEPARTMENT SHALL, BY**
20 **REGULATION, ESTABLISH OYSTER SANCTUARIES THAT COVER AT LEAST 50% OF**
21 **THE UNLEASED AVAILABLE OYSTER HABITAT IN THE CHESAPEAKE BAY,**
22 **INCLUDING THOSE AREAS ALREADY DESIGNATED BY LAW AS OYSTER**
23 **SANCTUARIES.**

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 June 1, 2010.