

HOUSE BILL 1603

M2, M1

6lr3749
CF SB 937

By: **Delegates Frush, Flanagan, Healey, Krebs, Lafferty, Lam, and Morhaim**

Introduced and read first time: February 25, 2016

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Sustainable Oyster Harvest Act of 2016**

3 FOR the purpose of requiring the University of Maryland Center for Environmental Science
4 to conduct a certain study related to the public oyster fishery; requiring the Center
5 to report to the Governor, the Department of Natural Resources, the Oyster Advisory
6 Commission, and the General Assembly on or before a certain date; prohibiting the
7 Department from taking certain actions until after the Center has made a certain
8 report; and generally relating to the public oyster fishery.

9 Preamble

10 WHEREAS, Oysters are a keystone species that remove nutrients from the water
11 and provide three-dimensional reef structure and marine habitat for the Chesapeake Bay's
12 marine life, including striped bass and the iconic blue crab; and

13 WHEREAS, The scientific community recognizes that oyster sanctuaries are
14 important nursery areas, which are necessary to rebuild the State's oyster population and
15 improve the overall health of the Chesapeake Bay; and

16 WHEREAS, In 2007, the General Assembly established the Oyster Advisory
17 Commission to advise the Department of Natural Resources on matters related to oysters
18 in the Chesapeake and Atlantic Coastal Bays and strategies for rebuilding and managing
19 the oyster population in these areas under the Chesapeake Bay Oyster Management Plan;
20 and

21 WHEREAS, In 2009, the U.S. Army Corps of Engineers, the Department of Natural
22 Resources, and the Virginia Marine Resources Commission completed a Programmatic
23 Environmental Impact Statement (PEIS) evaluating oyster restoration alternatives for the
24 Chesapeake Bay, which identified the expansion of oyster sanctuaries, more restrictive
25 management of the public oyster fishery, and the expansion of oyster aquaculture as the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 best strategies for restoring the ecological role of oysters in the Chesapeake Bay and the
2 commercial benefits of the commercial oyster industry; and

3 WHEREAS, In 2010, the Department of Natural Resources adopted regulations to
4 expand oyster sanctuaries and facilitate aquaculture development based on a report from
5 the Oyster Advisory Commission to the Governor and the General Assembly, which
6 recommended, among other things, focusing on large-scale restoration projects, developing
7 an interconnected network of sanctuaries, implementing a new oyster management plan
8 based on maximum fishing mortality rates, and revising restrictive laws and regulations
9 that were inhibiting the private cultivation of oysters; and

10 WHEREAS, Total oyster harvests, the number of oyster harvesters, and the number
11 of oyster aquaculture leases have dramatically increased since the percentage of quality
12 oyster habitat protected in sanctuaries was increased from 9% to 24% in 2010; and

13 WHEREAS, The Department of Natural Resources has not implemented more
14 restrictive management measures for the public oyster fishery, as recommended by the
15 2009 PEIS and the recommendations of the Oyster Advisory Commission, despite the fact
16 that the Chesapeake Bay's oyster population is currently at 1% of historic levels; and

17 WHEREAS, There is strong evidence that the State's public oyster fishery continues
18 to experience overfishing; and

19 WHEREAS, Because oysters are a reef-building species, the overfishing of oysters
20 results in a loss of the substrate available for future generations of oysters, so that even if
21 the fishery were closed today it would take 50 to 100 years for the population to rebound
22 on its own; and

23 WHEREAS, Although the public oyster fishery is currently second in economic value
24 among the State's commercial fisheries, there is no science-based management plan in
25 place to ensure the long-term sustainability of the fishery; and

26 WHEREAS, The Chesapeake Bay Oyster Management Plan and § 4-215(e) of the
27 Natural Resources Article provide that the State shall prevent overfishing while
28 attempting to achieve the best and most efficient use of the State's public oyster fishery
29 through the development and use of the best available estimates of sustainable harvest
30 rates and indicators that would trigger any tightening or loosening of harvest restrictions;
31 and

32 WHEREAS, The State has not yet developed such estimates of sustainable harvest
33 rates and indicators; now, therefore,

34 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
35 That:

36 (a) (1) In this section the following words have the meanings indicated.

1 (2) “Center” means the University of Maryland Center for Environmental
2 Science.

3 (3) “Department” means the Department of Natural Resources.

4 (b) The Center shall conduct a study to:

5 (1) determine sustainable harvest rates for the public oyster fishery;

6 (2) define appropriate indicators for the public oyster fishery based on the
7 results of stock assessments and other relevant data;

8 (3) determine whether the public oyster fishery is experiencing overfishing;
9 and

10 (4) if the study determines that the public oyster fishery is experiencing
11 overfishing, identify management strategies in collaboration with the Department,
12 industry representatives, and concerned stakeholders to address overfishing consistent
13 with State law.

14 (c) On or before October 1, 2017, the Center shall report to the Governor, the
15 Department, the Oyster Advisory Commission, and, in accordance with § 2–1246 of the
16 State Government Article, the General Assembly on the results of the study described in
17 subsection (b) of this section.

18 (d) The Department may not take any action to increase oyster harvest rates, lift
19 restrictions on oyster harvesting, or expand the area open to oyster harvesting until after
20 the Center has made its report in accordance with subsection (c) of this section.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
22 1, 2016.