

SENATE BILL 937

M2, M1

6lr3022
CF HB 1603

By: **Senators Manno, Astle, Bates, Klausmeier, Raskin, and Zucker**

Introduced and read first time: February 5, 2016

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 20, 2016

CHAPTER _____

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~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 ~~WHEREAS, In 2009, the U.S. Army Corps of Engineers, the Department of Natural~~
2 ~~Resources, and the Virginia Marine Resources Commission completed a Programmatic~~
3 ~~Environmental Impact Statement (PEIS) evaluating oyster restoration alternatives for the~~
4 ~~Chesapeake Bay, which identified the expansion of oyster sanctuaries, more restrictive~~
5 ~~management of the public oyster fishery, and the expansion of oyster aquaculture as the~~
6 ~~best strategies for restoring the ecological role of oysters in the Chesapeake Bay and the~~
7 ~~commercial benefits of the commercial oyster industry; and~~

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

15 ~~WHEREAS, Total oyster harvests, the number of oyster harvesters, and the number~~
16 ~~of oyster aquaculture leases have dramatically increased since the percentage of quality~~
17 ~~oyster habitat protected in sanctuaries was increased from 0% to 24% in 2010; and~~

18 ~~WHEREAS, The Department of Natural Resources has not implemented more~~
19 ~~restrictive management measures for the public oyster fishery, as recommended by the~~
20 ~~2009 PEIS and the recommendations of the Oyster Advisory Commission, despite the fact~~
21 ~~that the Chesapeake Bay's oyster population is currently at 1% of historic levels; and~~

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

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

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

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

37 ~~WHEREAS, The State has not yet developed such estimates of sustainable harvest~~
38 ~~rates and indicators; now, therefore,~~

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

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

4 (2) "Center" means the University of Maryland Center for Environmental
5 Science.

6 (3) "Department" means the Department of Natural Resources.

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

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

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

11 (3) determine whether the public oyster fishery is experiencing overfishing;
12 and

13 (4) if the study determines that the public oyster fishery is experiencing
14 overfishing, identify management strategies, including rotational harvesting, in
15 collaboration with the Department, industry representatives, and concerned stakeholders
16 to address overfishing consistent with State law.

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

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

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
25 1, 2016.