

SB0830/854236/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 830
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after the first “of” insert “requiring the Department of Natural Resources to convene the Oyster Advisory Commission, in coordination with the University of Maryland Center for Environmental Science, on or before a certain date; providing for the membership of the Commission; requiring certain persons to provide information to the Commission under certain circumstances but prohibiting certain persons from participating as voting members; establishing certain requirements for the fishery management plan for oysters;”; in the same line, strike “of Natural Resources”; in lines 4 and 5, strike “Science, to convene a certain stakeholder workgroup” and substitute “Science and the Commission;”; in lines 6 and 7, strike “providing for the membership of the stakeholder workgroup;”; in lines 7 and 8, strike “stakeholder workgroup” and substitute “Commission;”; in line 9, strike “review certain oyster management actions and”; in line 11, after “actions;” insert “authorizing the Commission to meet and deliberate in closed session for a certain purpose, notwithstanding a certain provision of law;”; in line 14, after “actions;” insert “providing for the termination of the terms of certain members of the Commission; requiring the Secretary of Natural Resources to convene the Commission in a certain manner; requiring the Department to implement a certain Fishery Management Plan for Oysters subject to certain requirements;”; after line 15, insert:

“BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 4–204(c) and 4–215(e)(4)

Annotated Code of Maryland

(2018 Replacement Volume)”;

and strike in their entirety lines 21 through 25, inclusive.

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On page 2, in lines 20 and 21, strike “now, therefore,” and substitute “and”; and after line 21, insert:

“WHEREAS, It is the intent of the General Assembly that the recommendations of this Commission be the fishery management plan for oysters; now, therefore.”.

AMENDMENT NO. 2

On page 2, in lines 8 and 9, strike “1% of historic populations” and substitute “a historic low”; in line 18, after “process” insert “, as demonstrated by the OysterFutures model which utilizes a 60-40 balance of stakeholders,”; after line 24, insert:

“4-204.

(c) (1) There is an Oyster Advisory Commission in the Department.

(2) (I) [The Commission consists of members appointed by the Secretary] ON OR BEFORE JUNE 1, 2019, AND SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE DEPARTMENT SHALL, IN COORDINATION WITH THE UNIVERSITY OF MARYLAND CENTER FOR ENVIRONMENTAL SCIENCE, CONVENE THE MEMBERS OF THE COMMISSION.

(II) THE COMMISSION SHALL ONLY INCLUDE:

1. A REPRESENTATIVE FROM EACH COUNTY OYSTER COMMITTEE ESTABLISHED UNDER § 4-1106(B) OF THIS TITLE DESIGNATED BY THE COMMITTEE;

2. A REPRESENTATIVE FROM THE MARYLAND WATERMEN’S ASSOCIATION DESIGNATED BY THE ASSOCIATION;

3. A REPRESENTATIVE FROM THE MARYLAND OYSTERMEN'S ASSOCIATION DESIGNATED BY THE ASSOCIATION;

4. A REPRESENTATIVE FROM THE AQUACULTURE INDUSTRY DESIGNATED BY THE AQUACULTURE COORDINATING COUNCIL;

5. A REPRESENTATIVE FROM THE COMMERCIAL SEAFOOD BUYER INDUSTRY DESIGNATED BY THE SECRETARY;

6. A REPRESENTATIVE FROM THE COASTAL CONSERVATION ASSOCIATION OF MARYLAND DESIGNATED BY THE ASSOCIATION;

7. A REPRESENTATIVE FROM THE CHESAPEAKE BAY FOUNDATION DESIGNATED BY THE FOUNDATION;

8. A REPRESENTATIVE FROM THE NATURE CONSERVANCY DESIGNATED BY THE CONSERVANCY;

9. A REPRESENTATIVE FROM THE SHORERIVERS RIVERKEEPER ASSOCIATION DESIGNATED BY THE ASSOCIATION;

10. A REPRESENTATIVE FROM THE ARUNDEL RIVERS FEDERATION DESIGNATED BY THE FEDERATION;

11. A REPRESENTATIVE FROM THE OYSTER RECOVERY PARTNERSHIP, DESIGNATED BY THE PARTNERSHIP;

12. A REPRESENTATIVE FROM THE CHESAPEAKE BAY COMMISSION DESIGNATED BY THE CHESAPEAKE BAY COMMISSION;

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13. A REPRESENTATIVE FROM BLUE OYSTER ENVIRONMENTAL DESIGNATED BY BLUE OYSTER ENVIRONMENTAL;

14. A REPRESENTATIVE FROM THE NATIONAL AQUARIUM DESIGNATED BY THE NATIONAL AQUARIUM; AND

15. A REPRESENTATIVE FROM THE UNIVERSITY OF MARYLAND CENTER FOR ENVIRONMENTAL SCIENCE DESIGNATED BY THE CENTER.

(3) THE FOLLOWING PERSONS SHALL PROVIDE INFORMATION TO THE COMMISSION AT THE REQUEST OF THE COMMISSION BUT MAY NOT PARTICIPATE AS VOTING MEMBERS:

(I) STATE AND FEDERAL AGENCIES TASKED WITH OYSTER MANAGEMENT AND RESTORATION RESPONSIBILITIES, INCLUDING THE DEPARTMENT, THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, AND THE U.S. ARMY CORPS OF ENGINEERS;

(II) TWO MEMBERS OF THE SENATE, ONE FROM EACH POLITICAL PARTY, APPOINTED BY THE PRESIDENT OF THE SENATE; AND

(III) TWO MEMBERS OF THE HOUSE OF DELEGATES, ONE FROM EACH POLITICAL PARTY, APPOINTED BY THE SPEAKER OF THE HOUSE.

[(3)] (4) The Commission shall:

(i) Provide the Department with advice on matters related to oysters in the Chesapeake Bay;

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(ii) Review the best possible science and recommend changes to the framework and strategies for rebuilding and managing the oyster population in the Chesapeake Bay under the Chesapeake Bay Oyster Management Plan;

(iii) Review the latest findings relevant to the Environmental Impact Statement evaluating oyster restoration alternatives for the Chesapeake Bay;

(iv) Review any other scientific, economic, or cultural information relevant to oysters in the Chesapeake Bay; [and]

(V) DEVELOP A PACKAGE OF CONSENSUS RECOMMENDATIONS, IN COORDINATION WITH THE DEPARTMENT, FOR ENHANCING AND IMPLEMENTING THE FISHERY MANAGEMENT PLAN FOR OYSTERS UNDER § 4–215 OF THIS SUBTITLE; AND

[(v)] (VI) By December 31, 2007 and to the extent reasonably appropriate, report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on:

1. Strategies to minimize the impact of oyster disease, including the State repletion program and bar cleaning;

2. The framework and effectiveness of the oyster sanctuary, harvest reserve, and repletion programs, and the overall management of natural oyster bars, after performing a cost–benefit analysis that considers biological, ecological, economic, and cultural issues;

3. Strategies to maximize the ecological benefits of natural oyster bars; and

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4. Strategies to improve enforcement of closed oyster areas.

AMENDMENT NO. 3

On page 3, in line 1, after “MEASUREMENTS” insert “RECOMMENDED BY THE OYSTER ADVISORY COMMISSION UNDER PARAGRAPH (5) OF THIS SUBSECTION AND”; in line 3, after “(ii)” insert “THE FISHERY MANAGEMENT PLAN DEVELOPED IN ACCORDANCE WITH PARAGRAPH (5) OF THIS SUBSECTION SHALL:

1. END THE OVERFISHING OF OYSTERS IN ALL AREAS AND REGIONS OF THE CHESAPEAKE BAY AND ITS TRIBUTARIES WHERE OVERFISHING HAS OCCURRED ACCORDING TO BIOLOGICAL REFERENCE POINTS ESTABLISHED BY THE MOST RECENT OYSTER STOCK ASSESSMENT WHILE MAINTAINING A HARVEST IN THE FISHERY;

2. ACHIEVE FISHING MORTALITY RATES AT TARGET LEVELS;

3. INCREASE OYSTER ABUNDANCE;

4. INCREASE OYSTER HABITAT; AND

5. FACILITATE THE LONG-TERM SUSTAINABLE HARVEST OF OYSTERS.

(III)”;

in line 12, after “SCIENCE” insert “AND THE OYSTER ADVISORY COMMISSION”; and in lines 12 and 13, strike “CONVENE A STAKEHOLDER WORKGROUP TO”.

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On pages 3 and 4, strike in their entirety the lines beginning with line 27 on page 3 through line 14 on page 4, inclusive.

On page 4, in line 15, strike “(III)” and substitute “(II)”; in the same line, strike “STAKEHOLDER WORKGROUP” and substitute “OYSTER ADVISORY COMMISSION”; strike beginning with “REVIEW” in line 20 down through “ADDITIONAL” in line 21 and substitute “RECOMMEND”; in lines 26 and 27, strike “STAKEHOLDER WORKGROUP” and substitute “ITS”; and after line 27, insert:

“(III) NOTWITHSTANDING § 3-305 OF THE GENERAL PROVISIONS ARTICLE, THE OYSTER ADVISORY COMMISSION MAY MEET AND DELIBERATE IN CLOSED SESSION TO DEVELOP THE PACKAGE OF CONSENSUS RECOMMENDATIONS FOR ENHANCING AND IMPLEMENTING THE FISHERY MANAGEMENT PLAN FOR OYSTERS UNDER THIS PARAGRAPH.”

AMENDMENT NO. 4

On page 5, after line 13, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The terms of the members serving on the Oyster Advisory Commission established under § 4-204(c) of the Natural Resources Article before the effective date of this Act shall terminate on the effective date of this Act.

(b) The Secretary of Natural Resources shall convene the new members of the Oyster Advisory Commission in accordance with the provisions of Section 1 of this Act.

(c) The terms of the new members convened under subsection (b) of this section shall begin on the effective date of this Act.

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SECTION 3. AND BE IT FURTHER ENACTED, That the Department shall implement the 2019 Fishery Management Plan for Oysters pending the development of consensus recommendations in accordance with this Act.”;

and in line 14, strike “2.” and substitute “4.”.