

HOUSE BILL 348

M2

9r1992
CF 9r1635

By: **Delegates Jacobs, Adams, Arentz, Clark, Ghrist, Hartman, Hornberger,
Howard, Mautz, and Otto**

Introduced and read first time: January 28, 2019

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Oyster Planting – Substrate Material**

3 FOR the purpose of establishing that the Department of Natural Resources may plant or
4 allow to be planted only certain native oyster shell of a certain species for use as
5 substrate for an oyster restoration, propagation, or replenishment project;
6 authorizing the Department to use certain alternate materials as substrate for a
7 project if certain entities recommend or approve the use and after the Department
8 prepares a certain analysis for and holds a public hearing on the project; providing
9 for the application of this Act; and generally relating to substrate material for oyster
10 planting.

11 BY adding to
12 Article – Natural Resources
13 Section 4–1016
14 Annotated Code of Maryland
15 (2018 Replacement Volume)

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 **4–1016.**

20 **(A) THIS SECTION APPLIES TO OYSTER PLANTINGS ON:**

21 **(1) AN OYSTER SANCTUARY;**

22 **(2) A NATURAL OYSTER BAR;**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(3) ANY LEASED BOTTOM;**

2 **(4) RIPARIAN BOTTOM IN ACCORDANCE WITH § 4-11A-17 OF THIS**
3 **TITLE; AND**

4 **(5) THE PUBLIC SHELLFISH FISHERY AREA.**

5 **(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE**
6 **DEPARTMENT MAY PLANT OR ALLOW TO BE PLANTED ONLY NATIVE OYSTER SHELL,**
7 **INCLUDING FOSSILIZED NATIVE OYSTER SHELL, OF THE SPECIES CRASSOSTREA**
8 **VIRGINICA FOR USE AS SUBSTRATE FOR AN OYSTER RESTORATION, PROPAGATION,**
9 **OR REPLENISHMENT PROJECT.**

10 **(C) THE DEPARTMENT MAY USE OR ALLOW TO BE USED STONE, ROCKS,**
11 **CONCRETE, MARL, BRICK, CINDERBLOCK, OR MIXED SHELL AS AN ALTERNATE**
12 **SUBSTRATE FOR AN OYSTER RESTORATION, PROPAGATION, OR REPLENISHMENT**
13 **PROJECT:**

14 **(1) IF THE USE IS:**

15 **(I) RECOMMENDED BY THE OYSTER ADVISORY COMMISSION;**
16 **AND**

17 **(II) APPROVED BY THE COUNTY OYSTER COMMITTEE FOR ANY**
18 **COUNTY IN WHICH THE PROJECT IS TO BE IMPLEMENTED; AND**

19 **(2) AFTER THE DEPARTMENT:**

20 **(I) PREPARES AN ENVIRONMENTAL IMPACT STATEMENT FOR**
21 **THE PROJECT; AND**

22 **(II) HOLDS A PUBLIC HEARING ON THE PROJECT.**

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2019.