

# SENATE BILL 362

M2  
SB 926/18 – EHE

9lr1635  
CF HB 348

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By: **Senators Hershey, Bailey, Carozza, and Eckardt**  
Introduced and read first time: January 31, 2019  
Assigned to: Education, Health, and Environmental Affairs

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## 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;**

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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.