

Department of Legislative Services  
Maryland General Assembly  
2019 Session

FISCAL AND POLICY NOTE  
First Reader

Senate Bill 683 (Senator Hershey, *et al.*)  
Education, Health, and Environmental Affairs

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Oyster Management Plan - Harvest - Study

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This bill requires the Department of Natural Resources (DNR), as part of the fishery management plan for oysters, to (1) study the effectiveness of harvesting oysters to facilitate oyster propagation and restoration and (2) review any oyster management actions, including oyster harvesting, taken by the Commonwealth of Virginia to facilitate oyster propagation and restoration. **The bill takes effect June 1, 2019.**

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Fiscal Summary

**State Effect:** None. The bill does not affect State finances.

**Local Effect:** None.

**Small Business Effect:** None.

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Analysis

**Current Law/Background:**

*Fishery Management Plans*

DNR is required by statute to prepare fishery management plans for various listed species, including oysters, and has specified authority to prepare plans for additional species. The plans contain a systematic description of a given fishery and the objectives and conservation and management measures for the fishery. Various requirements apply to both the plans and the conservation and management measures in the plans. Once a fishery management plan has been adopted by regulation, the fishery must be harvested in

accordance with the conservation and management measures in the plan and any regulations implementing or amending that plan.

DNR indicates that it currently considers the elements identified in the bill in its development of the fishery management plan for oysters.

### *Recent Oyster Management/Restoration and Related Legislative Action*

In response to the oyster population in the Chesapeake Bay languishing at 1% of historic levels, decreased suitable oyster habitat, and a dwindling number of harvesters, DNR unveiled a new management and restoration plan for oysters and the State's oyster industry in December 2009. The plan increased the State's network of oyster sanctuaries from 9% to 24% of the bay's remaining quality oyster bars, established oyster aquaculture leasing opportunities and related financial assistance programs, and assigned 76% of the bay's remaining quality oyster habitat to the public oyster fishery.

Chapter 703 of 2016 required DNR, as part of its fishery management plan for oysters, to conduct a specified study, in consultation with the University of Maryland Center for Environmental Science, on the oyster stock (including a stock assessment and development of biological reference points) and management strategies to address the maintenance of a sustainable oyster population and fishery.

DNR completed, in 2016, a review of the effectiveness of the location of the oyster sanctuaries, public shellfish fishery areas, and aquaculture areas, finding justification to consider adjustments to the boundaries of the management areas. DNR had committed in 2010, when it overhauled its oyster regulations, to undertake the review every five years and propose changes where needed. "Effectiveness" was measured against the objectives of the 2010 changes: to restore the ecological function of oysters and to enhance the commercial fishery for its economic and cultural benefits.

Chapter 27 of 2017, however, subsequently prohibited DNR from reducing or altering the boundaries of oyster sanctuaries until the department had developed a fisheries management plan for the scientific management of the oyster stock after the completion of reports required under Chapter 703 of 2016.

DNR submitted, on December 1, 2018, a report on the study conducted under Chapter 703 and recently also presented a draft 2019 oyster fishery management plan to the Oyster Advisory Commission. The commission advises DNR on matters related to oysters in the Chesapeake Bay and strategies for rebuilding and managing the oyster population.

## **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Natural Resources; Department of Legislative Services

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Analysis by: Scott D. Kennedy

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510