

# HOUSE BILL 1133

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By: **Delegates Otto, Adams, Clark, Hartman, Jacobs, Mautz, and Szeliga**

Introduced and read first time: February 11, 2022

Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Oysters – Tributary–Scale Sanctuaries**

3 FOR the purpose of repealing provisions of law that include the Manokin River Oyster  
4 Sanctuary in the network of tributary–scale oyster sanctuaries in the Chesapeake  
5 Bay and including the Severn River Oyster Sanctuary in the network; and generally  
6 relating to tributary–scale oyster sanctuaries in the Chesapeake Bay.

7 BY repealing and reenacting, with amendments,

8 Article – Natural Resources

9 Section 4–1014

10 Annotated Code of Maryland

11 (2018 Replacement Volume and 2021 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

13 That the Laws of Maryland read as follows:

14 **Article – Natural Resources**

15 4–1014.

16 (a) There is established a network of oyster sanctuaries in the five tributaries  
17 identified by the Department for large–scale restoration in accordance with the 2014  
18 Chesapeake Bay Watershed Agreement.

19 (b) In accordance with subsection (a) of this section:

20 (1) There is an oyster sanctuary in Harris Creek that includes all of the  
21 waters of Harris Creek enclosed by a line beginning at a point on the east shore of Tilghman  
22 Island defined by Latitude 38 degrees 42.241 minutes north, Longitude 76 degrees 19.997  
23 minutes west; then running northerly to a point on the south shore of Knapps Narrows,  
24 defined by Latitude 38 degrees 42.925 minutes north, Longitude 76 degrees 19.709 minutes

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 west; then running 49 degrees true to a point on the north shore of Knapps Narrows,  
2 defined by Latitude 38 degrees 43.035 minutes north, Longitude 76 degrees 19.547 minutes  
3 west; then running northerly along the west shore of Harris Creek to its headwaters and  
4 then southerly along the east shore of Harris Creek to a point on the shore of Change Point  
5 defined by Latitude 38 degrees 43.008 minutes north, Longitude 76 degrees 17.656 minutes  
6 west; then running 247 degrees true to the point of beginning;

7 (2) There is an oyster sanctuary in the Little Choptank River that includes  
8 all of the waters of the Little Choptank River upstream of a line beginning at a point on the  
9 shore of Susquehanna Point defined by Latitude 38 degrees 30.642 minutes north,  
10 Longitude 76 degrees 15.492 minutes west; then running 329 degrees true to a point on  
11 shore at the south end of Ragged Point Island, defined by Latitude 38 degrees 31.886  
12 minutes north, Longitude 76 degrees 16.440 minutes west;

13 (3) There is an oyster sanctuary in the Tred Avon River that includes all of  
14 the waters of the Tred Avon River north and east of a line beginning at a point on the shore  
15 on the east side of Town Creek, defined by Latitude 38 degrees 41.835 minutes north,  
16 Longitude 76 degrees 9.923 minutes west; then running 255 degrees true to a point defined  
17 by Latitude 38 degrees 41.823 minutes north, Longitude 76 degrees 9.981 minutes west;  
18 then running 0 degrees true to a point on the shore of the east side of Plaindealing Creek,  
19 defined by Latitude 38 degrees 42.576 minutes north, Longitude 76 degrees 9.978 minutes  
20 west;

21 (4) There is an oyster sanctuary in the St. Mary's River that includes all of  
22 the waters of the St. Mary's River beginning at a point on the shore southwest of Deep Point  
23 defined by Latitude 38 degrees 11.279 minutes north, Longitude 76 degrees 26.639 minutes  
24 west; then running 89 degrees true to a point on the shore at Church Point defined by  
25 Latitude 38 degrees 11.286 minutes north, Longitude 76 degrees 26.263 minutes west; and

26 (5) There is an oyster sanctuary in the [Manokin River that includes all of  
27 the waters of the Manokin River upstream of a line beginning at a point on the shore of  
28 Hazard Point defined by Latitude 38 degrees 4.571 minutes north, Longitude 75 degrees  
29 52.694 minutes west; then running 306 degrees true to a point on the shore at Pin Point on  
30 Little Deal Island, defined by Latitude 38 degrees 6.750 minutes north, Longitude 75  
31 degrees 56.552 minutes west; and east of a line beginning at a point on the shore at the  
32 north end of Little Deal Island, defined by Latitude 38 degrees 7.695 minutes north,  
33 Longitude 75 degrees 56.816 minutes west; then running 209 degrees true to a point on the  
34 shore on the west side of Lower Thorofare, defined by Latitude 38 degrees 7.652 minutes  
35 north, Longitude 75 degrees 56.847 minutes west; and southeast of a line beginning on the  
36 shore on the east side of Laws Thorofare, defined by Latitude 38 degrees 8.904 minutes  
37 north, Longitude 75 degrees 55.964 minutes west; then running 251 degrees true to a point  
38 on the west side of Laws Thorofare, defined by Latitude 38 degrees 8.873 minutes north,  
39 Longitude 75 degrees 56.077 minutes west] **SEVERN RIVER THAT INCLUDES ALL OF  
40 THE WATERS OF THE SEVERN RIVER UPSTREAM OF A LINE BEGINNING AT A POINT  
41 AT THE SOUTHERLY TIP OF GREENBURY POINT DEFINED BY LATITUDE 38 DEGREES  
42 58.470 MINUTES NORTH, LONGITUDE 76 DEGREES 27.255 MINUTES WEST; THEN**

1 RUNNING 180 DEGREES TRUE TO THE OLD GREENBURY POINT LIGHTHOUSE,  
2 DEFINED BY LATITUDE 38 DEGREES 58.087 MINUTES NORTH, LONGITUDE 76  
3 DEGREES 27.253 MINUTES WEST; THEN RUNNING 157 DEGREES TRUE TO A “NO  
4 SHELLFISHING” BUOY, DEFINED BY LATITUDE 38 DEGREES 57.692 MINUTES  
5 NORTH, LONGITUDE 76 DEGREES 27.038 MINUTES WEST; THEN RUNNING 136  
6 DEGREES TRUE TO A “NO SHELLFISHING” BUOY, DEFINED BY LATITUDE 38  
7 DEGREES 57.118 MINUTES NORTH, LONGITUDE 76 DEGREES 26.320 MINUTES WEST;  
8 THEN RUNNING 222 DEGREES TRUE TO TOLLEY POINT, DEFINED BY LATITUDE 38  
9 DEGREES 56.497 MINUTES NORTH, LONGITUDE 76 DEGREES 7.040 MINUTES WEST.

10 (c) (1) This subsection does not apply to a person who engages in aquaculture  
11 activities within an oyster sanctuary in accordance with a valid lease issued under Subtitle  
12 11A of this title.

13 (2) A person may not catch oysters in or remove oyster seed from an oyster  
14 sanctuary:

15 (i) Described in subsection (b) of this section; or

16 (ii) Established by the Department in regulation.

17 (d) (1) The Department, in coordination with the Oyster Advisory  
18 Commission, the Oyster Interagency Workgroup, and interested stakeholders, shall  
19 develop and implement restoration plans for each of the oyster sanctuaries described in  
20 subsection (b) of this section.

21 (2) Each restoration plan shall:

22 (i) Establish acreage targets that exceed 50% of the currently  
23 restorable oyster habitat in the sanctuary, as defined by the Oyster Interagency  
24 Workgroup;

25 (ii) For reef construction, require the use of substrate that has been  
26 demonstrated in previous tributary-scale oyster restoration projects to maximize oyster  
27 density;

28 (iii) Establish a project implementation timeline that demonstrates  
29 how restoration targets will be achieved by 2025, in accordance with the 2014 Chesapeake  
30 Bay Watershed Agreement; and

31 (iv) Include plans for continued monitoring of the sanctuary and  
32 corrective actions to be taken by the Department if future monitoring indicates that a  
33 sanctuary is no longer meeting the following minimum requirements:

34 1. On restored reefs:

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- 1                   A.    A minimum density of 15 oysters per square meter;
- 2                   B.    A minimum biomass of 15 grams dry weight per square  
3 meter;
- 4                   C.    A minimum of at least 2-year classes of oysters; and
- 5                   D.    Substrate or oysters present on at least 30% of the reef  
6 area; and
- 7                   2.    Within the whole sanctuary, a minimum of 50% of reef  
8 habitat, constituting at least 8% of historic oyster habitat, meeting the requirements of  
9 item 1 of this item.

10           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
11 1, 2022.