

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL NO. 353

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Nonnative” insert “and Native”; in lines 2 and 3, strike “for Possible Cultivation in Maryland Waters” and substitute “and Report”; strike beginning with “study” in line 4 down through “waters” in line 6 and substitute “authorize a certain study of certain nonnative species of oyster; requiring the study to include a certain analysis and certain findings”; in lines 6 and 7, strike “with prior approval of the Department” and substitute “under a certain circumstance”; in line 8, after “that” insert “certain biosecurity measures are followed in order to ensure that”; in line 9, after “species;” insert “requiring the Department to study the condition and viability of native oysters and certain measures to increase their health and survival rate; requiring the Department to seek certain funding and to develop a certain plan;”; in line 12, after “measure;” insert “providing for the termination of this Act;”; in the same line, strike “live, nonnative” and substitute “certain research and certain reports concerning certain”; and strike in their entirety lines 13 through 22, inclusive.

AMENDMENT NO. 2

On page 1, in line 24, strike “the Laws of Maryland read as follows”.

On page 2, strike in their entirety lines 1 through 38, inclusive, and substitute:

“(a) (1) The Department of Natural Resources shall authorize the study of the Suminoe oyster (*Crassostrea ariakensis*) and other nonnative species by both private and public research institutions with expertise in the field.

(2) The study required under paragraph (1) of this subsection shall include:

(i) An analysis of the ecological benefits and risks associated with the introduction of:

(Over)

1. Reproductively capable nonnative oyster species in Maryland waters, for purposes of fisheries restoration or any other purpose; and

2. Sterile nonnative species in Maryland, for purposes of the development of aquaculture or any other purpose; and

(ii) To the extent possible as the study progresses, the findings of the National Academy of Sciences review of the Suminoe oyster.

(3) Notwithstanding the provisions of § 4-11A-02(a)(2) of the Natural Resources Article, with prior approval of the Department, a person may engage in research and experimentation in Maryland waters with live, nonnative oysters.

(4) The Department shall ensure that proper biosecurity measures, as defined by the protocols of the International Council for the Exploration of the Sea, are followed in order to ensure to the greatest extent practicable that any research the Department approves involving live, nonnative oysters in Maryland waters will not result in the de facto introduction of a nonnative species.

(b) The Department shall also study the current condition and ongoing viability of oysters native to Maryland waters and new measures to protect and increase the overall health and survival rate of native oysters.

(c) The Department shall seek funding for, and develop a plan to implement, the study required under this section.

(d) The Department shall submit to the Governor and, in accordance with § 2-1246 of the State Government Article, to the House Environmental Matters Committee and the Senate Education, Health, and Environmental Affairs Committee:

(1) By December 1, 2002, an interim report on the status of ongoing research and all interim findings available to the Department, including findings to date of the National Academy of Sciences review of the Suminoe oyster; and

(2) By December 1, 2004, a final report on all findings available to date from the National Academy of Sciences review and from studies conducted under this Act.”.

On page 3, in line 1, strike “3.” and substitute “2.”; and in line 5, after “enacted.” insert “It shall remain effective through December 31, 2004 and, at the end of December 31, 2004, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.