

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1306
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “newspaper;” insert “prohibiting a leaseholder from placing certain oysters on a lease; altering a certain restriction on the location of a demonstration lease;”; in line 9, after “State;” insert “repealing provisions of law that restrict the Department’s authority to regulate the taking, possession, transportation, or sale of certain oysters;”; in line 12, after “(g)(1)” insert “, 4-11A-10(c), 4-11A-11(d), and 4-11A-19”; and after line 14, insert:

“BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 4-11A-11(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2011 Supplement)”.

AMENDMENT NO. 2

On page 3, after line 2 insert:

“4-11A-10.

(c) A leaseholder may not:

(1) Place shellfish, bags, nets, or structures on submerged aquatic vegetation;

(2) Plant or harvest shellfish within 500 yards of any stationary blind or blind site that is occupied and being used for hunting migratory waterfowl;

(Over)

- (3) Sublease a lease;
- (4) Transfer a lease without the approval of the Department; [or]
- (5) Harvest shellfish between the hours of sunset and sunrise; OR
- (6) PLACE UNLAWFULLY HARVESTED OYSTERS ON A LEASE.

4-11A-11.

- (a) This section applies to demonstration leases.
- (d) The proposed lease area may not be located:
 - (1) Within a minimum of 50 feet of shoreline or any pier without the written permission of the riparian owner at the time of application for the lease;
 - (2) Within 150 feet of the public shellfish fishery or a registered pound net site;
 - (3) Within 150 feet of an [oyster sanctuary or] oyster reserve OR ANY YATES BAR LOCATED IN AN OYSTER SANCTUARY;
 - (4) Within 150 feet of a federal navigational channel;
 - (5) In any creek, cove, bay, or inlet less than 300 feet wide at its mouth at mean low tide;
 - (6) In an SAV Protection Zone; or

(7) In a setback or buffer from the Assateague Island National Seashore established by the Department.”;

and after line 19, insert:

“4-11A-19.

Notwithstanding any other provision of this title, the Department may adopt regulations that allow taking, possession, transport, or sale of oysters, from leased oyster bottoms [only for the purpose of replanting on leased bottoms,] that are less than the minimum size limit in §§ 4-1015 and 4-1015.1 of this title. [This section may not be construed to permit the sale of oysters for human consumption that are less than the minimum size limit specified in §§ 4-1015 and 4-1015.1 of this title.]”.