

# SENATE BILL 1237

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By: **Senators Eckardt, Hershey, and Mathias**

Introduced and read first time: March 5, 2018

Assigned to: Rules

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## A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Public Shellfish Fishery Area – Standards**

3 FOR the purpose of requiring the Department of Natural Resources to establish areas in  
4 the Chesapeake Bay as part of the public shellfish fishery area if the areas have a  
5 certain density of oysters; requiring the Department to establish certain natural  
6 oyster bars as part of the public shellfish fishery area; and generally relating to  
7 standards for the establishment of the public shellfish fishery area.

8 BY repealing and reenacting, without amendments,

9 Article – Natural Resources

10 Section 4–11A–01(a), (j), (l), and (q)

11 Annotated Code of Maryland

12 (2012 Replacement Volume and 2017 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article – Natural Resources

15 Section 4–11A–04

16 Annotated Code of Maryland

17 (2012 Replacement Volume and 2017 Supplement)

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

19 That the Laws of Maryland read as follows:

20 **Article – Natural Resources**

21 4–11A–01.

22 (a) In this subtitle the following words have the meanings indicated.

23 (j) “Natural oyster bar” means any submerged oyster bar, reef, rock, or area  
24 represented as an oyster bar on the charts of the Oyster Survey of 1906 to 1912 and its

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 amendments.

2 (l) "Public shellfish fishery area" means an area in which shellfish is harvested  
3 for commercial purposes.

4 (q) "Yates Bar" means any submerged oyster bar, reef, rock, or area represented  
5 as an oyster bar on the charts of the Oyster Survey of 1906 to 1912, not including any  
6 amendments.

7 4-11A-04.

8 (a) **(1)** In consultation with the Oyster Advisory Commission **AND SUBJECT**  
9 **TO PARAGRAPH (2) OF THIS SUBSECTION**, the Department shall identify by regulation  
10 the public shellfish fishery area in the Chesapeake Bay based on commercial harvesting  
11 activity during the 3 years preceding June 1, 2009, any surveys conducted by the  
12 Department, and other quantitative data known or made available to the Department.

13 **(2) THE DEPARTMENT SHALL ESTABLISH AS PART OF THE PUBLIC**  
14 **SHELLFISH FISHERY AREA ANY AREA IN THE CHESAPEAKE BAY, INCLUDING ANY**  
15 **APPROPRIATE YATES BAR AS DETERMINED BY THE DEPARTMENT, WHERE A**  
16 **BIOLOGICAL SURVEY SHOWS THAT THE DENSITY OF OYSTERS IS AT LEAST ONE**  
17 **OYSTER PER SQUARE METER.**

18 **(3) THE DEPARTMENT SHALL ESTABLISH AS PART OF THE PUBLIC**  
19 **SHELLFISH FISHERY AREA A NATURAL OYSTER BAR:**

20 **(I) THAT HAS BEEN PLANTED WITH OYSTER SHELL;**

21 **(II) THAT HAS BEEN PLANTED WITH SPAT; OR**

22 **(III) WHERE A BIOLOGICAL SURVEY SHOWS THAT THE DENSITY**  
23 **OF OYSTERS IS AT LEAST ONE OYSTER PER SQUARE METER.**

24 (b) The public shellfish fishery area may not be leased for shellfish aquaculture.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 October 1, 2018.