

SENATE BILL 830

M2

9lr3106
CF HB 720

By: **Senator Elfreth**

Introduced and read first time: February 4, 2019

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Fishery Management Plans – Oysters**

3 FOR the purpose of requiring the Department of Natural Resources, in coordination with
4 the University of Maryland Center for Environmental Science, to convene a certain
5 stakeholder workgroup to develop a certain package of consensus recommendations
6 for enhancing and implementing the fishery management plan for oysters; providing
7 for the membership of the stakeholder workgroup; requiring the stakeholder
8 workgroup, with certain assistance, to develop certain recommendations based on a
9 certain process, review certain oyster management actions and recommend certain
10 oyster management actions to achieve certain goals, and review certain results for
11 certain oyster management actions; requiring the Department to submit certain
12 interim reports and a final report by certain dates to the Governor and General
13 Assembly; requiring the Department to perform certain reviews of the oyster stock
14 and, with certain input, implement certain management actions; and generally
15 relating to a fishery management plan for oysters.

16 BY repealing and reenacting, without amendments,
17 Article – Natural Resources
18 Section 4–215(b)(6)
19 Annotated Code of Maryland
20 (2018 Replacement Volume)

21 BY repealing and reenacting, with amendments,
22 Article – Natural Resources
23 Section 4–215(e)(4)
24 Annotated Code of Maryland
25 (2018 Replacement Volume)

26 BY adding to
27 Article – Natural Resources
28 Section 4–215(e)(5)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2018 Replacement Volume)

3 Preamble

4 WHEREAS, Large connected oyster populations provide a number of environmental
5 benefits to the Chesapeake Bay ecosystem, including reef habitat for finfish, shellfish, and
6 other marine life, improved water quality, reduced sedimentation, carbon storage, and
7 increased shellfish propagation; and

8 WHEREAS, The oyster population in the Bay is languishing at 1% of historic
9 populations; and

10 WHEREAS, The oyster resource is a valuable resource to Maryland; and

11 WHEREAS, Chapter 703 of the Acts of the General Assembly of 2016 required the
12 Department of Natural Resources to conduct a stock assessment and, based on this
13 assessment, identify management strategies to address the maintenance of a sustainable
14 oyster population and fishery; and

15 WHEREAS, With the completion of the oyster stock assessment, new regulations
16 and policies for oyster management in Maryland are needed to sustain and grow the oyster
17 resource, industry, and ecosystem; and

18 WHEREAS, A consensus-based process can be used to develop regulations and
19 policies for oyster management that have broad stakeholder support and are informed by
20 the oyster stock assessment, stakeholder knowledge, and scientific evidence; now,
21 therefore,

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
23 That the Laws of Maryland read as follows:

24 **Article – Natural Resources**

25 4–215.

26 (b) The Department shall prepare fishery management plans for the following
27 species:

28 (6) Oysters;

29 (e) (4) (i) Subject to subparagraph (ii) of this paragraph, the Department
30 may not take any action to reduce or alter the boundaries of the oyster sanctuaries
31 established in “Oyster Sanctuaries of the Chesapeake Bay and its Tidal Tributaries
32 (September 2010)” until the Department has developed a fisheries management plan for
33 the scientific management of the oyster stock [following the completion of its reports in
34 accordance with paragraph (3) of this subsection] **BASED ON MANAGEMENT STRATEGIES**

1 AND MEASUREMENTS DETERMINED BY THE DEPARTMENT IN CONSULTATION WITH
2 THE UNIVERSITY OF MARYLAND CENTER FOR ENVIRONMENTAL SCIENCE.

3 (ii) This paragraph may not be construed to prevent the Department
4 from:

5 1. Selecting the final two tributaries for tributary-scale
6 oyster restoration sanctuary projects in accordance with the 2014 Chesapeake Bay
7 Agreement; or

8 2. Establishing, in the discretion of the Department, any
9 dimensions for a tributary-scale oyster restoration sanctuary project.

10 **(5) (I) THE DEPARTMENT SHALL:**

11 1. IN COORDINATION WITH THE UNIVERSITY OF
12 MARYLAND CENTER FOR ENVIRONMENTAL SCIENCE, CONVENE A STAKEHOLDER
13 WORKGROUP TO DEVELOP A PACKAGE OF CONSENSUS RECOMMENDATIONS FOR
14 ENHANCING AND IMPLEMENTING THE FISHERY MANAGEMENT PLAN FOR OYSTERS
15 THAT WILL BE INFORMED BY A COLLABORATIVELY DEVELOPED, SCIENCE-BASED
16 MODELING TOOL TO QUANTIFY THE LONG-TERM IMPACTS OF IDENTIFIED
17 MANAGEMENT ACTIONS AND POSSIBLE COMBINATIONS OF MANAGEMENT ACTIONS
18 ON:

19 A. OYSTER ABUNDANCE;

20 B. OYSTER HABITAT;

21 C. OYSTER HARVEST;

22 D. OYSTER HARVEST REVENUE; AND

23 E. NITROGEN REMOVAL; AND

24 2. HOLD PUBLIC LISTENING SESSIONS THROUGHOUT
25 THE STATE TO IDENTIFY POSSIBLE MANAGEMENT ACTIONS FOR USE IN THE PUBLIC
26 OYSTER FISHERY.

27 **(II) THE STAKEHOLDER WORKGROUP SHALL INCLUDE:**

28 1. A REPRESENTATIVE FROM EACH COUNTY
29 WATERMAN'S ASSOCIATION;

1 2. A REPRESENTATIVE FROM THE MARYLAND
2 WATERMAN'S ASSOCIATION;

3 3. A REPRESENTATIVE FROM THE COASTAL
4 CONSERVATION ASSOCIATION OF MARYLAND;

5 4. A REPRESENTATIVE FROM THE CHESAPEAKE BAY
6 FOUNDATION;

7 5. A REPRESENTATIVE FROM THE NATURE
8 CONSERVANCY;

9 6. A REPRESENTATIVE OF A COMMERCIAL SEAFOOD
10 ORGANIZATION;

11 7. A REPRESENTATIVE FROM THE AQUACULTURE
12 INDUSTRY; AND

13 8. STATE AND FEDERAL AGENCIES TASKED WITH
14 OYSTER MANAGEMENT AND RESTORATION RESPONSIBILITIES.

15 (III) THE STAKEHOLDER WORKGROUP, WITH THE ASSISTANCE
16 OF EXTERNAL CONFLICT RESOLUTION AND FACILITATION SPECIALISTS, SHALL:

17 1. DEVELOP A PACKAGE OF CONSENSUS
18 RECOMMENDATIONS THROUGH A FACILITATED CONSENSUS SOLUTIONS PROCESS,
19 BASED ON A 75% MAJORITY AGREEMENT LEVEL FOR EACH RECOMMENDATION;

20 2. REVIEW CURRENT AND PROPOSED MANAGEMENT
21 ACTIONS FOR COMPLETENESS AND RECOMMEND ADDITIONAL MANAGEMENT
22 ACTIONS OR COMBINATIONS OF MANAGEMENT ACTIONS TO ACHIEVE THE TARGETS
23 IDENTIFIED IN THE OYSTER STOCK ASSESSMENT WITH THE GOAL OF INCREASING
24 OYSTER ABUNDANCE; AND

25 3. REVIEW MODEL RESULTS FOR EACH MANAGEMENT
26 ACTION OR COMBINATION OF MANAGEMENT ACTIONS TO INFORM STAKEHOLDER
27 WORKGROUP RECOMMENDATIONS.

28 (IV) 1. THE DEPARTMENT SHALL SUBMIT INTERIM REPORTS
29 ON THE DEVELOPMENT OF THE PACKAGE OF CONSENSUS RECOMMENDATIONS BY
30 DECEMBER 1, 2019, AUGUST 1, 2020, AND DECEMBER 1, 2020, TO THE GOVERNOR
31 AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE
32 GENERAL ASSEMBLY.

1 **2. THE DEPARTMENT SHALL PROVIDE A FINAL REPORT**
2 **BY JULY 1, 2021, WHICH WILL INCLUDE AN IMPLEMENTATION SCHEDULE FOR THE**
3 **CONSENSUS RECOMMENDATIONS, TO THE GOVERNOR AND, IN ACCORDANCE WITH §**
4 **2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.**

5 **(v) TO BE RESPONSIVE TO CHANGES IN THE OYSTER RESOURCE**
6 **DUE TO ENVIRONMENTAL CONDITIONS, THE DEPARTMENT SHALL:**

7 **1. REVIEW THE STATUS OF THE STOCK RELATIVE TO**
8 **REFERENCE POINTS EVERY 2 YEARS AND CONDUCT A BENCHMARK STOCK**
9 **ASSESSMENT EVERY 6 YEARS WITH CONSIDERATION OF NEW METHODS AND WITH**
10 **EXTERNAL PEER REVIEW; AND**

11 **2. WITH THE INPUT OF INTERESTED STAKEHOLDERS,**
12 **IMPLEMENT MANAGEMENT ACTIONS THAT INCREASE OYSTER HABITAT, MAINTAIN**
13 **HARVEST, AND GROW THE OYSTER STOCK.**

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
15 1, 2019.