

SENATE BILL 492

M2

3lr2509
CF 3lr2499

By: **Senators Carozza, Hershey, Mautz, and Bailey**
Introduced and read first time: February 3, 2023
Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Oysters – Rotational Harvest – Pilot Program**

3 FOR the purpose of establishing a rotational harvest pilot program for oysters to be
4 implemented by the Department of Natural Resources; requiring the Department to
5 open certain areas of the Chesapeake Bay to the rotational harvest of oysters in
6 certain manners; requiring a certain replacement of oyster shells on the bar where
7 they were caught under the pilot program; requiring the Department, before opening
8 an area to oyster harvesting under the pilot program, to survey and investigate the
9 area to collect certain baseline data and, after closing the area, to continue to monitor
10 the area to collect certain additional data; and generally relating to a rotational
11 harvest pilot program for oysters.

12 BY adding to
13 Article – Natural Resources
14 Section 4–1011
15 Annotated Code of Maryland
16 (2018 Replacement Volume and 2022 Supplement)

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

19 **Article – Natural Resources**

20 **4–1011.**

21 **(A) THERE IS A 5–YEAR ROTATIONAL HARVEST PILOT PROGRAM FOR**
22 **OYSTERS TO BE IMPLEMENTED BY THE DEPARTMENT.**

23 **(B) THE PILOT PROGRAM SHALL APPLY TO TWO DESIGNATED AREAS OF THE**
24 **CHESAPEAKE BAY, AS FOLLOWS:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 **(1) THE LITTLE CHOPTANK ROTATIONAL HARVEST AREA, WHICH**
2 **CONSISTS OF ALL OF THE WATERS OF THE LITTLE CHOPTANK RIVER UPSTREAM OF**
3 **A LINE BEGINNING AT A POINT ON THE SHORE OF SUSQUEHANNA POINT DEFINED**
4 **BY LATITUDE 38 DEGREES 30.642 MINUTES NORTH, LONGITUDE 76 DEGREES**
5 **15.492 MINUTES WEST; THEN RUNNING 329 DEGREES TRUE TO A POINT ON SHORE**
6 **AT THE SOUTH END OF RAGGED POINT ISLAND, DEFINED BY LATITUDE 38 DEGREES**
7 **31.886 MINUTES NORTH, LONGITUDE 76 DEGREES 16.440 MINUTES WEST; AND**

8 **(2) THE LOWER MAIN STEM CHESAPEAKE BAY ROTATIONAL**
9 **HARVEST AREA, WHICH CONSISTS OF ALL OF THE WATERS OF THE AREA ENCLOSED**
10 **BY A LINE BEGINNING AT A POINT DEFINED BY LATITUDE 37 DEGREES 58.800**
11 **MINUTES NORTH, LONGITUDE 76 DEGREES 4.680 MINUTES WEST; THEN RUNNING**
12 **283 DEGREES TRUE TO A POINT DEFINED BY LATITUDE 37 DEGREES 59.798**
13 **MINUTES NORTH, LONGITUDE 76 DEGREES 9.965 MINUTES WEST; THEN RUNNING**
14 **342 DEGREES TRUE TO A POINT DEFINED BY LATITUDE 38 DEGREES 8.366 MINUTES**
15 **NORTH, LONGITUDE 76 DEGREES 13.580 MINUTES WEST; THEN RUNNING 81**
16 **DEGREES TRUE TO A POINT DEFINED BY LATITUDE 38 DEGREES 9.181 MINUTES**
17 **NORTH, LONGITUDE 76 DEGREES 6.720 MINUTES WEST; THEN RUNNING 171**
18 **DEGREES TRUE TO THE POINT OF BEGINNING.**

19 **(C) (1) THE DEPARTMENT SHALL OPEN THE FOLLOWING AREAS OF THE**
20 **LITTLE CHOPTANK RIVER ROTATIONAL HARVEST AREA IN THE FOLLOWING**
21 **SEASONS:**

22 **(I) FOR THE 2023–2024 OYSTER SEASON, BROOKS CREEK AND**
23 **HUDSON CREEK;**

24 **(II) FOR THE 2024–2025 OYSTER SEASON, PHILLIPS CREEK**
25 **AND BECKWITH CREEK;**

26 **(III) FOR THE 2025–2026 OYSTER SEASON, WOOLFORD CREEK**
27 **AND MADISON BAY;**

28 **(IV) FOR THE 2026–2027 OYSTER SEASON, BROOKS CREEK AND**
29 **HUDSON CREEK; AND**

30 **(V) FOR THE 2027–2028 OYSTER SEASON, PHILLIPS CREEK**
31 **AND BECKWITH CREEK.**

32 **(2) OF THE THREE OYSTER BARS LOCATED WITHIN THE LOWER MAIN**
33 **STEM CHESAPEAKE BAY ROTATIONAL HARVEST AREA, THE DEPARTMENT IN ITS**
34 **DISCRETION SHALL:**

1 **(I) OPEN ONE DIFFERENT OYSTER BAR FOR EACH OF THE**
2 **2023–2024, 2024–2025, AND 2025–2026 OYSTER SEASONS;**

3 **(II) REOPEN THE SAME OYSTER BAR FOR THE 2026–2027**
4 **OYSTER SEASON THAT IT HAD OPENED FOR THE 2023–2024 OYSTER SEASON; AND**

5 **(III) REOPEN THE SAME OYSTER BAR FOR THE 2027–2028**
6 **OYSTER SEASON THAT IT HAD OPENED FOR THE 2024–2025 OYSTER SEASON.**

7 **(D) (1) A TIDAL FISH LICENSEE WHO HOLDS AN OYSTER AUTHORIZATION**
8 **MAY CATCH OYSTERS IN AREAS OF THE LITTLE CHOPTANK RIVER ROTATIONAL**
9 **HARVEST AREA AND THE LOWER MAIN STEM CHESAPEAKE BAY ROTATIONAL**
10 **HARVEST AREA THAT ARE OPEN FOR HARVEST.**

11 **(2) A TIDAL FISH LICENSEE WHO CATCHES OYSTERS UNDER THE**
12 **PILOT PROGRAM SHALL ENSURE THAT THE OYSTER SHELLS ARE REPLACED ON THE**
13 **BAR WHERE THEY WERE CAUGHT IN AN AMOUNT OF BUSHEL EQUAL TO THE**
14 **AMOUNT OF BUSHEL OF OYSTERS CAUGHT.**

15 **(E) UNDER THE PILOT PROGRAM, THE DEPARTMENT:**

16 **(1) SHALL, IN ITS DISCRETION, MANAGE THE OYSTER HARVEST; AND**

17 **(2) MAY:**

18 **(I) ADJUST CATCH LIMITS;**

19 **(II) LIMIT THE HOURS AND DAYS FOR HARVEST; AND**

20 **(III) RESTRICT THE GEAR THAT MAY BE USED.**

21 **(F) (1) BEFORE OPENING AN AREA TO OYSTER HARVESTING UNDER THE**
22 **PILOT PROGRAM, THE DEPARTMENT SHALL SURVEY AND INVESTIGATE THE AREA**
23 **TO COLLECT BASELINE DATA ON:**

24 **(I) WATER QUALITY;**

25 **(II) HABITAT QUALITY, INCLUDING THE PRESENCE OF FINFISH**
26 **SPECIES AND OTHER SHELLFISH SPECIES;**

27 **(III) THE PRESENCE OF:**

- 1 **1. SILT AND SEDIMENT ON THE OYSTER BAR;**
2 **2. SUBMERGED AQUATIC VEGETATION ON OR NEAR THE**
3 **OYSTER BAR; AND**
4 **3. DISEASED OR DEAD OYSTERS ON THE OYSTER BAR;**
5 **AND**

6 **(IV) ANY OTHER RELEVANT MATTER IN THE DISCRETION OF THE**
7 **DEPARTMENT.**

8 **(2) AFTER CLOSING AN AREA IN THE ROTATIONAL HARVEST AREAS**
9 **TO OYSTER HARVESTING UNDER THE PILOT PROGRAM, THE DEPARTMENT SHALL**
10 **CONTINUE TO MONITOR THE AREA TO COLLECT ADDITIONAL DATA ON THE MATTERS**
11 **DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION.**

12 **(G) ON OR BEFORE DECEMBER 1, 2028, THE DEPARTMENT SHALL REPORT**
13 **TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE**
14 **GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON ITS FINDINGS AND**
15 **RECOMMENDATIONS UNDER THE PILOT PROGRAM.**

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
17 1, 2023. It shall remain effective for a period of 6 years and, at the end of June 30, 2029,
18 this Act, with no further action required by the General Assembly, shall be abrogated and
19 of no further force and effect.