

Article - Natural Resources

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§4-1014.

(a) There is established a network of oyster sanctuaries in the five tributaries identified by the Department for large-scale restoration in accordance with the 2014 Chesapeake Bay Watershed Agreement.

(b) In accordance with subsection (a) of this section:

(1) There is an oyster sanctuary in Harris Creek that includes all of the waters of Harris Creek enclosed by a line beginning at a point on the east shore of Tilghman Island defined by Latitude 38 degrees 42.241 minutes north, Longitude 76 degrees 19.997 minutes west; then running northerly to a point on the south shore of Knapps Narrows, defined by Latitude 38 degrees 42.925 minutes north, Longitude 76 degrees 19.709 minutes west; then running 49 degrees true to a point on the north shore of Knapps Narrows, defined by Latitude 38 degrees 43.035 minutes north, Longitude 76 degrees 19.547 minutes west; then running northerly along the west shore of Harris Creek to its headwaters and then southerly along the east shore of Harris Creek to a point on the shore of Change Point defined by Latitude 38 degrees 43.008 minutes north, Longitude 76 degrees 17.656 minutes west; then running 247 degrees true to the point of beginning;

(2) There is an oyster sanctuary in the Little Choptank River that includes all of the waters of the Little Choptank River upstream of a line beginning at a point on the shore of Susquehanna Point defined by Latitude 38 degrees 30.642 minutes north, Longitude 76 degrees 15.492 minutes west; then running 329 degrees true to a point on shore at the south end of Ragged Point Island, defined by Latitude 38 degrees 31.886 minutes north, Longitude 76 degrees 16.440 minutes west;

(3) There is an oyster sanctuary in the Tred Avon River that includes all of the waters of the Tred Avon River north and east of a line beginning at a point on the shore on the east side of Town Creek, defined by Latitude 38 degrees 41.835 minutes north, Longitude 76 degrees 9.923 minutes west; then running 255 degrees true to a point defined by Latitude 38 degrees 41.823 minutes north, Longitude 76 degrees 9.981 minutes west; then running 0 degrees true to a point on the shore of the east side of Plaindealing Creek, defined by Latitude 38 degrees 42.576 minutes north, Longitude 76 degrees 9.978 minutes west;

(4) There is an oyster sanctuary in the St. Mary's River that includes all of the waters of the St. Mary's River beginning at a point on the shore southwest of Deep Point defined by Latitude 38 degrees 11.279 minutes north, Longitude 76

degrees 26.639 minutes west; then running 89 degrees true to a point on the shore at Church Point defined by Latitude 38 degrees 11.286 minutes north, Longitude 76 degrees 26.263 minutes west; and

(5) There is an oyster sanctuary in the Manokin River that includes all of the waters of the Manokin River upstream of a line beginning at a point on the shore of Hazard Point defined by Latitude 38 degrees 4.571 minutes north, Longitude 75 degrees 52.694 minutes west; then running 306 degrees true to a point on the shore at Pin Point on Little Deal Island, defined by Latitude 38 degrees 6.750 minutes north, Longitude 75 degrees 56.552 minutes west; and east of a line beginning at a point on the shore at the north end of Little Deal Island, defined by Latitude 38 degrees 7.695 minutes north, Longitude 75 degrees 56.816 minutes west; then running 209 degrees true to a point on the shore on the west side of Lower Thorofare, defined by Latitude 38 degrees 7.652 minutes north, Longitude 75 degrees 56.847 minutes west; and southeast of a line beginning on the shore on the east side of Laws Thorofare, defined by Latitude 38 degrees 8.904 minutes north, Longitude 75 degrees 55.964 minutes west; then running 251 degrees true to a point on the west side of Laws Thorofare, defined by Latitude 38 degrees 8.873 minutes north, Longitude 75 degrees 56.077 minutes west.

(c) (1) This subsection does not apply to a person who engages in aquaculture activities within an oyster sanctuary in accordance with a valid lease issued under Subtitle 11A of this title.

(2) A person may not catch oysters in or remove oyster seed from an oyster sanctuary:

- (i) Described in subsection (b) of this section; or
- (ii) Established by the Department in regulation.

(d) (1) The Department, in coordination with the Oyster Advisory Commission, the Oyster Interagency Workgroup, and interested stakeholders, shall develop and implement restoration plans for each of the oyster sanctuaries described in subsection (b) of this section.

(2) Each restoration plan shall:

(i) Establish acreage targets that exceed 50% of the currently restorable oyster habitat in the sanctuary, as defined by the Oyster Interagency Workgroup;

(ii) For reef construction, require the use of substrate that has been demonstrated in previous tributary-scale oyster restoration projects to maximize oyster density;

(iii) Establish a project implementation timeline that demonstrates how restoration targets will be achieved by 2025, in accordance with the 2014 Chesapeake Bay Watershed Agreement; and

(iv) Include plans for continued monitoring of the sanctuary and corrective actions to be taken by the Department if future monitoring indicates that a sanctuary is no longer meeting the following minimum requirements:

1. On restored reefs:
 - A. A minimum density of 15 oysters per square meter;
 - B. A minimum biomass of 15 grams dry weight per square meter;
 - C. A minimum of at least 2-year classes of oysters; and
 - D. Substrate or oysters present on at least 30% of the reef area; and
2. Within the whole sanctuary, a minimum of 50% of reef habitat, constituting at least 8% of historic oyster habitat, meeting the requirements of item 1 of this item.

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