

THAN SCIENTIFIC RESEARCH THAT IS CONDUCTED IN ACCORDANCE WITH STANDARDS DEVELOPED BY THE CHESAPEAKE BAY PROGRAM UNDER THE U.S. ENVIRONMENTAL PROTECTION AGENCY.

(3) "NONNATIVE" MEANS A SPECIES OF OYSTER OTHER THAN THE CRASSOSTREA VIRGINICA.

(B) EXCEPT FOR THE DEPARTMENT, A PERSON MAY NOT INTRODUCE A NONNATIVE OYSTER INTO STATE WATERS UNLESS THE PERSON HAS A PERMIT ISSUED BY THE DEPARTMENT.

(C) (1) THE DEPARTMENT MAY NOT INTRODUCE A NONNATIVE OYSTER INTO STATE WATERS OR ISSUE A PERMIT TO ANOTHER PERSON FOR AN INTRODUCTION UNLESS:

(I) THE RECOMMENDATIONS SET FORTH IN THE 2004 REPORT, "NONNATIVE OYSTERS IN THE CHESAPEAKE BAY", PRODUCED BY THE COMMITTEE ON NONNATIVE OYSTERS IN THE CHESAPEAKE BAY, OCEAN STUDIES BOARD, DIVISION ON EARTH AND LIFE STUDIES OF THE NATIONAL RESEARCH COUNCIL, HAVE BEEN ~~SATISFIED~~ MET TO THE EXTENT FEASIBLE FOR THE STATE OF MARYLAND; ~~AND~~

(II) THE SPECIFIC RESEARCH ~~PRIORITIES~~ RECOMMENDATIONS SET FORTH IN "IDENTIFYING AND PRIORITIZING RESEARCH REQUIRED TO EVALUATE ECOLOGICAL RISKS AND BENEFITS OF INTRODUCING DIPLOID CRASSOTREA ARIKENSIS TO RESTORE OYSTERS TO THE CHESAPEAKE BAY" (STAC PUBLICATION 04-002), HAVE BEEN FULLY ~~SATISFIED~~ MET; ~~AND~~

(III) A DRAFT ENVIRONMENTAL IMPACT STATEMENT CONDUCTED IN ACCORDANCE WITH THE RECOMMENDATIONS SPECIFIED IN SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH HAS BEEN COMPLETED; AND

(IV) AN INDEPENDENT OYSTER ADVISORY PANEL OF SCIENTIFIC EXPERTS APPOINTED BY THE SECRETARY HAS:

1. REVIEWED AND APPROVED THE SUFFICIENCY OF THE DATA AND ASSESSMENTS USED TO IDENTIFY THE ECOLOGICAL AND ECONOMIC RISKS AND BENEFITS OF INTRODUCING A NONNATIVE OYSTER INTO STATE WATERS AND THE DEGREE OF RISK ASSOCIATED WITH IMPLEMENTING EACH OYSTER RESTORATION ALTERNATIVE IDENTIFIED IN THE DRAFT ENVIRONMENTAL IMPACT STATEMENT PREPARED IN ACCORDANCE WITH ITEM (III) OF THIS PARAGRAPH; AND

2. IDENTIFIED ANY ADDITIONAL RESEARCH THAT THE PANEL RECOMMENDS TO REDUCE THE LEVEL OF RISK AND UNCERTAINTY.

(2) BEFORE THE DEPARTMENT MAY INTRODUCE A NONNATIVE OYSTER INTO STATE WATERS OR ISSUE A PERMIT TO ANOTHER PERSON FOR AN INTRODUCTION, THE DEPARTMENT SHALL: