

funds for this purpose; requiring the Department to conduct a certain study concerning the return of oyster shells to the waters of the State; requiring the Department to file a certain report with the General Assembly by a certain date; and generally relating to the returning of oyster shells to the Chesapeake Bay or its tributaries.

BY adding to

Article - Natural Resources
Section 4-1019.1
Annotated Code of Maryland
(1983 Replacement Volume and 1985 Supplement)

Preamble

WHEREAS, Natural spatfall in the Maryland portion of the Chesapeake Bay has declined to a level where oyster management strategies of planting dredge shell and moving seed oysters cannot alone provide a cost-effective supplement to the Maryland oyster industry; and

WHEREAS, A decade and one-half of low spat set in combination with a very high disease-induced mortality of oysters during 1980 and 1983 has caused the resource to reach a low density of harvestable oysters; and

WHEREAS, Existing management strategies need to be modified to implement new techniques that can help increase future harvest harvests and strengthen the viability of the Maryland oyster industry; and

WHEREAS, One management aspect should be pursued in the conservation and wise utilization of all fresh oyster shell harvested from the Maryland portion of the Chesapeake Bay since fresh oyster shell is a renewable biological resource and provides the substrate for future generations of oysters; and

WHEREAS, ~~All--fresh~~ Fresh shell should be returned to the Chesapeake Bay to assist in the recovery of the oyster industry by providing a substrate for natural oyster repopulation; and

WHEREAS, In the case of Leonard v. Earle, 155 Md 252 (1928), 272 U.S. 392 (1929), both the Court of Appeals of Maryland and the Supreme Court of the United States determined that oysters in the waters of the State are property of the State on behalf of all of its citizens, and that therefore compensation is not constitutionally mandated in connection with a requirement that oyster shell taken from the waters of the State be returned to the State for use in oyster propagation; and

WHEREAS, The General Assembly recognizes that oyster shell is a tradeable commodity for purposes other than oyster propagation and is a source of profit for oyster packers; and