

**CHAPTER 369****(House Bill 649)**

AN ACT concerning

**Oyster Bed Reclassification – Protest Procedure**

FOR the purpose of altering the procedure under which a person may protest the reclassification of a submerged area of the State from natural oyster bar to barren bottom, permitted to be leased for oyster cultivation; providing for a hearing in accordance with certain provisions of law; and generally relating to protests of reclassification of natural oyster beds.

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 4-1102

Annotated Code of Maryland

(1989 Replacement Volume and 1993 Supplement)

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

**Article – Natural Resources**

4-1102.

(a) (1) The Department may resurvey any submerged area of the State to determine the position and extent of any natural oyster or clam bar and barren bottom. If the Department finds, upon resurvey, that any natural oyster or clam bar is located incorrectly on existing charts, or that the existing charts do not reflect the actual condition of submerged lands, the Department shall amend the existing charts or prepare new charts. In addition, the Department shall mark as accurately as possible the correct location and bounds of each natural oyster or clam bar, then existing in the area being surveyed, on any amended or new chart.

(2) A reclassification of submerged areas of the State to clam bars may not be made unless an environmental impact study indicates that a hydraulic clam dredge will not impair the bottom or adversely affect other marine life. The Department shall perform the environmental impact study based on survey data, public hearings, and other available information. An initial environmental impact study shall be carried out by the Department, in cooperation with qualified scientific organizations, for reclassification actions at sites in the waters of Anne Arundel, Calvert, Kent, Queen Anne's, and St. Mary's Counties to evaluate the environmental impact of hydraulic clam dredging.

(b) Within 90 days after the resurvey, a copy of the amended or new charts shall be deposited with the Department and another copy sent to the clerk of the circuit court where the resurveyed area is located or the county nearest this area. This resurvey shall supersede the Oyster Survey of 1906 to 1912, and its amendments, and any decision of any circuit court rendered prior to the completed resurvey.