

Chapter 238

(House Bill 841)

AN ACT concerning

Aquaculture – Submerged Aquatic Vegetation – Placement of Shellfish, Bags, Nets, and Structures

FOR the purpose of authorizing a leaseholder of certain aquaculture leases to, with prior written approval from the Department of Natural Resources, place shellfish, bags, nets, and structures on submerged aquatic vegetation, subject to certain requirements and limitations; requiring the Department to submit a certain annual report to the Aquaculture Coordinating Council, the Chesapeake Bay Program, and the General Assembly on or before a certain date for a certain period of time; providing for the termination of this Act; and generally relating to aquaculture leases and submerged aquatic vegetation.

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 4–11A–10(c)

Annotated Code of Maryland

(2018 Replacement Volume)

BY adding toArticle – Natural ResourcesSection 4–11A–10(c–1)Annotated Code of Maryland(2018 Replacement Volume)

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

Article – Natural Resources

4–11A–10.

(c) A leaseholder may not:

(1) Place shellfish, bags, nets, or structures on submerged aquatic vegetation **WITHOUT PRIOR WRITTEN APPROVAL FROM THE DEPARTMENT**;

(2) Plant or harvest shellfish within 500 yards of any stationary blind or blind site that is occupied and being used for hunting migratory waterfowl;

(3) Sublease a lease;

- (4) Transfer a lease without the approval of the Department;
- (5) Harvest shellfish between the hours of sunset and sunrise; or
- (6) Place unlawfully harvested oysters on a lease.

(C-1) IN APPROVING THE PLACEMENT OF SHELLFISH, BAGS, NETS, OR STRUCTURES ON SUBMERGED AQUATIC VEGETATION UNDER SUBSECTION (C)(1) OF THIS SECTION, THE DEPARTMENT:

(1) MAY NOT AUTHORIZE HARVESTING BY DREDGE IN AREAS WHERE SUBMERGED AQUATIC VEGETATION IS PRESENT;

(2) SHALL AUTHORIZE FOR WATER COLUMN LEASES THE PLACEMENT OF SHELLFISH, BAGS, NETS, OR STRUCTURES IN AT LEAST 10% OF THE AREA WHERE SUBMERGED AQUATIC VEGETATION IS PRESENT; AND

(3) SHALL AUTHORIZE HARVEST BY DIVING IN AREAS ON ANY SUBMERGED LAND LEASE WHERE SUBMERGED AQUATIC VEGETATION IS PRESENT.

SECTION 2. AND BE IT FURTHER ENACTED, That on or before June 1, 2020, and each June 1 for the next 4 years thereafter, the Department of Natural Resources shall report to the Aquaculture Coordinating Council, the Chesapeake Bay Program, and, in accordance with § 2-1246 of the State Government Article, the General Assembly on:

(1) the ~~impact~~ farm-level and cumulative impacts that placing shellfish, bags, nets, or structures on submerged aquatic vegetation ~~without~~ with prior written approval from the Department has had on submerged aquatic vegetation and leaseholders;

(2) the number of leases that have submerged aquatic vegetation present in the lease area and the species, density, and aerial extent of submerged aquatic vegetation in those leases; ~~and~~

(3) characteristics of gear types and the nature and frequency of aquaculture practices used on leases where submerged aquatic vegetation is present; and

(4) any other information the Department considers necessary.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019. It shall remain effective for a period of 5 years and 1 month and, at the end of June 30, 2024, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, April 30, 2019.