

SB0271/714436/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 271
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “requirements,” insert “authorizations.”; in line 8, after “area” insert “in the Chesapeake Bay”; strike line 23 in its entirety; and in line 26, after “rent” insert “and an aquaculture development surcharge; requiring the Department to transfer funds derived from the surcharge to the State Department of Agriculture to be used for certain purposes”.

On page 2, in line 4, after “limitations;” insert “prohibiting the harvest of shellfish for commercial or consumption purposes in areas subject to a demonstration lease; providing for a setback from the Assateague Island National Seashore for certain submerged land and demonstration leases;”; in line 11, after “bars;” insert “repealing certain provisions relating to the classification of submerged bottom for the purpose of shellfish harvest; repealing certain provisions governing the authority of the Department to open and close submerged bottom for shellfish harvest;”; in lines 11 and 12, strike “providing for certain provisions relating to the sale of” and substitute “altering certain restrictions and requirements governing”; strike beginning with “repealing” in line 12 down through “counties;” in line 13; in line 17, after “terms;” insert “making certain technical corrections; requiring the Department to monitor the abundance and health of submerged aquatic vegetation in the Atlantic Coastal Bays with a certain intent;”; after line 29, insert:

“BY repealing

Article - Natural Resources

Section 4-1102 and 4-11A-04 through 4-11A-11

Annotated Code of Maryland

(2005 Replacement Volume and 2008 Supplement)”;

in line 32, strike “4-1102;” and strike in their entirety lines 35 through 39, inclusive.

(Over)

AMENDMENT NO. 2

On pages 3 through 5, strike in their entirety the lines beginning with line 23 on page 3 through line 3 on page 5, inclusive.

On page 5, in lines 6 and 7, strike “any part of the natural oyster bars of” and substitute “**OYSTER RESOURCES IN**”; and strike beginning with “The” in line 13 down through “(d)” in line 35.

On pages 5 and 6, strike beginning with “However,” in line 38 on page 5 down through “areas.” in line 1 on page 6.

On page 6, in lines 15 and 23, strike “(e)” and “(f)”, respectively, and substitute “**(C)**” and “**(D)**”, respectively; in line 23, strike “(d) and (e)” and substitute “**(B) AND (C)**”; strike beginning with “Establish” in line 26 down through “State;” in line 27 and substitute “**SELL OR REMOVE SEED OYSTERS FROM OYSTER SEED AREAS IF THE SALE OR REMOVAL IS MADE UNDER DISEASE PROTOCOLS; AND**”; and strike beginning with “Designate” in line 28 down through “(iii)” in line 32.

AMENDMENT NO. 3

On page 7, strike beginning with “OR“ in line 26 down through the first “THE “ in line 27 and substitute “**MEANS AN AREA OF THE**”; in lines 27, 31, and 32, in each instance, strike “AND” and substitute “**OR**”; in line 31, after “OF” insert “**ANY**”; and in line 32, after “COLUMN” insert “**LOCATED IN AN AQUACULTURE ENTERPRISE ZONE**”.

On page 9, in line 1, strike “AEZ” and substitute “**AQUACULTURE ENTERPRISE ZONE**”.

AMENDMENT NO. 4

On page 16, in line 34, after “AREA” insert “**IN THE CHESAPEAKE BAY**”.

AMENDMENT NO. 5

On page 17 in line 13, on page 19 in lines 4 and 28, and on page 25 in line 2, in each instance, after “**WITHIN**” insert “**A MINIMUM OF**”.

AMENDMENT NO. 6

On page 18 in line 20, on page 19 in lines 17 and 18, and on page 20 in line 11, in each instance, strike “**MESH OR NYLON BAGS**” and substitute “**TEMPORARY PROTECTIVE ENCLOSURES APPROVED BY THE DEPARTMENT**”.

AMENDMENT NO. 7

On page 20, in line 7, strike “**OR**”; in line 8, after “**ZONE**” insert “**; OR**”

(7) IN A SETBACK OR BUFFER FROM THE ASSATEAGUE ISLAND NATIONAL SEASHORE ESTABLISHED BY THE DEPARTMENT;

strike beginning with the colon in line 21 down through “**CONSIDER**” in line 22 and substitute “**CONSIDER**”; strike beginning with the semicolon in line 24 down through “**SEASHORE**” in line 26; and in line 29, after “**NONREFUNDABLE**” insert “**APPLICATION**”.

AMENDMENT NO. 8

On page 21, in line 3, after “**LEASE**” insert “**THAT DOES NOT APPLY IN AN AQUACULTURE ENTERPRISE ZONE**”; in line 23, strike “**AND**” and substitute “**OR**”; in line 27, strike “**A**” and substitute “**EXCEPT FOR A DEMONSTRATION LEASE UNDER § 4-11A-10 OF THIS SUBTITLE, A**”; and in line 30, after “**RENT**” insert “**AND AN AQUACULTURE DEVELOPMENT SURCHARGE**”.

AMENDMENT NO. 9

On page 22, in line 1, strike “MAY INCLUDE” and substitute “, AS IT CONSIDERS NECESSARY TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE, MAY:

(I) DENY A LEASE APPLICATION FOR REASONABLE CAUSE;

OR

(II) INCLUDE”;

in lines 1 and 2, strike “AN AQUACULTURE” and substitute “A”; strike beginning with “THAT” in line 2 down through “WELFARE” in line 3; in line 16, strike “ADVERTISE” and substitute “:

1. ADVERTISE”;

in line 17, after “APPLICATION” insert “ON THE WEBSITE OF THE DEPARTMENT AND”; in line 19, after “LOCATED” insert “;

2. NOTIFY THE OWNERS OF PROPERTY DIRECTLY IN FRONT OF THE PROPOSED ACTIVITY; AND

3. NOTIFY THE CHAIR OF THE OYSTER COMMITTEE IN THE COUNTY IN WHICH THE PROPOSED ACTIVITY IS LOCATED”;

and in line 29, after “(III)” insert “THE DEPARTMENT SHALL HOLD A PUBLIC INFORMATIONAL MEETING ON THE ISSUANCE OF A LEASE ON THE REQUEST OF ANY PERSON.

(IV)”.

AMENDMENT NO. 10

On page 23, in line 7, strike “LESSEE” and substitute “LEASEHOLDER”; in line 15, after “RENT” insert “AND THE AQUACULTURE DEVELOPMENT SURCHARGE”; in the same line, strike “IN AN AMOUNT AND”; in line 27, strike “ASSIGN” and substitute “SUBLEASE”; and in lines 27 and 28, in each instance, strike “SUBMERGED LAND”.

AMENDMENT NO. 11

On page 24, in lines 1 and 2, strike “AN AQUACULTURE” and substitute “A”; in line 4, after “(E)” insert “(1)”; and after line 7, insert:

“(2) BEFORE THE TERMINATION OR EXPIRATION OF A LEASE ISSUED UNDER THIS SUBTITLE, THE LEASEHOLDER SHALL HAVE THE RIGHT OF FIRST REFUSAL WITH RESPECT TO FUTURE LEASES OF THE LEASED AREA.”

AMENDMENT NO. 12

On page 25, in line 11, strike “OR”; in line 12, after “ZONE” insert “; OR”

“(7) IN A SETBACK OR BUFFER FROM THE ASSATEAGUE ISLAND NATIONAL SEASHORE ESTABLISHED BY THE DEPARTMENT”;

in line 19, after “(1)” insert “(I)”; in the same line, strike “LESSEE OF A DEMONSTRATION LEASE” and substitute “DEMONSTRATION LEASEHOLDER”; in line 22, strike “(2)” and substitute “(II)”; after line 23, insert:

“(2) A PERSON MAY NOT HARVEST SHELLFISH FOR COMMERCIAL OR CONSUMPTION PURPOSES FROM AN AREA THAT IS SUBJECT TO A DEMONSTRATION LEASE.”;

in line 27, strike “**ALL**” and substitute “**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ALL**”; in line 28, strike “**THE PROVISIONS OF**”; and after line 30, insert:

“(2) THE DEPARTMENT SHALL TRANSFER ANY FUNDS DERIVED FROM THE AQUACULTURE DEVELOPMENT SURCHARGE TO THE STATE DEPARTMENT OF AGRICULTURE TO BE USED FOR DEVELOPMENT OF, AND TRAINING AND GRANTS FOR, SHELLFISH AQUACULTURE.”

AMENDMENT NO. 13

On page 26, in lines 1 and 12, in each instance, strike “**THE PROVISIONS OF**”; in line 8, strike “**OF**” and substitute “**SUBJECT TO**”; in lines 15 and 32, in each instance, strike “lessee” and substitute “**LEASEHOLDER**”; in line 32, strike “A” and substitute “**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**”; and in the same line, strike “oysters” and substitute “**SHELLFISH**”.

On page 27, after line 2, insert:

“(2) A PERSON MAY NOT USE A HYDRAULIC ESCALATOR DREDGE TO HARVEST SHELLFISH IN THE ATLANTIC COASTAL BAYS.”

in lines 3 and 6, in each instance, strike “lessee” and substitute “**LEASEHOLDER**”; and in line 5, strike “**OR SUBMERGED LAND**” and substitute “**, SUBMERGED LAND, OR DEMONSTRATION**”.

AMENDMENT NO. 14

On page 28, in lines 6, 28, and 32, in each instance, strike “lessee” and substitute “**LEASEHOLDER**”.

On page 29, in line 12, after “leases” insert “**that do not apply in an Aquaculture Enterprise Zone**”.

AMENDMENT NO. 15

On page 30, in line 2, after “Assembly” insert “that:”

- (1) This Act be the first step in a continuing effort”;

in line 3, after “purposes” insert “; and”

(2) Through legislative, regulatory, and administrative action, the State continue to develop, promote, and implement any additional measures necessary to facilitate the growth of the aquaculture industry in Maryland”;

in line 4, after “That” insert “the Department shall continue to monitor the abundance and health of submerged aquatic vegetation in the Atlantic Coastal Bays with the intent of reevaluating the appropriate baseline level of submerged aquatic vegetation for establishing the SAV Protection Zone in the Atlantic Coastal Bays.”

SECTION 7. AND BE IT FURTHER ENACTED, That”;

and in line 10, strike “7.” and substitute “8.”

.