M2 5lr1813 CF 5lr2737

By: Delegates Jacobs, Adams, Anderton, Arentz, Ghrist, Hornberger, S. Howard, Impallaria, Mautz, and Otto

Introduced and read first time: February 9, 2015 Assigned to: Environment and Transportation

A BILL ENTITLED

1	ATAT	AOM	•
1	AN	ACT	concerning

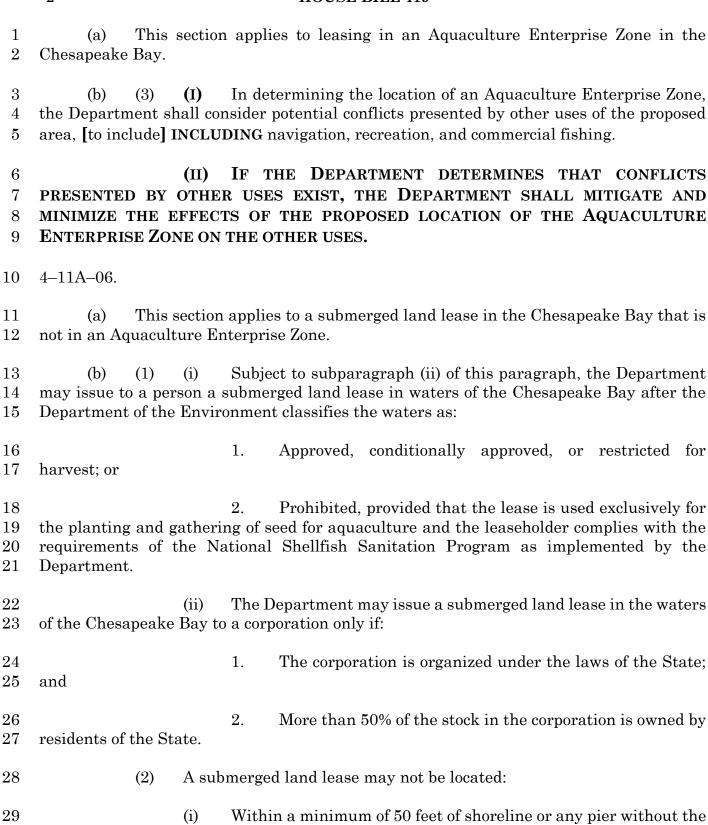
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Natural Resources - Aquaculture Leases - Consideration of User Conflicts

- 3 FOR the purpose of requiring the Department of Natural Resources to consider certain 4 potential user conflicts in determining the location of submerged land aquaculture 5 leases in the Chesapeake Bay and water column aquaculture leases in the waters of 6 the State; requiring the Department to mitigate and minimize the effects of the 7 proposed location of certain aquaculture leasing areas on other users if the 8 Department determines that conflicts exist; making a certain stylistic change; 9 making a certain technical correction; and generally relating to the consideration of 10 user conflicts in determining the location of aquaculture leases.
- 11 BY repealing and reenacting, without amendments,
- 12 Article Natural Resources
- 13 Section 4–11A–05(a) and 4–11A–07(a)
- 14 Annotated Code of Maryland
- 15 (2012 Replacement Volume and 2014 Supplement)
- 16 BY repealing and reenacting, with amendments.
- 17 Article Natural Resources
- 18 Section 4–11A–05(b)(3), 4–11A–06, 4–11A–07(e), and 4–11A–08
- 19 Annotated Code of Maryland
- 20 (2012 Replacement Volume and 2014 Supplement)
- 21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
- 22 That the Laws of Maryland read as follows:
- 23 Article Natural Resources
- 24 4-11A-05.



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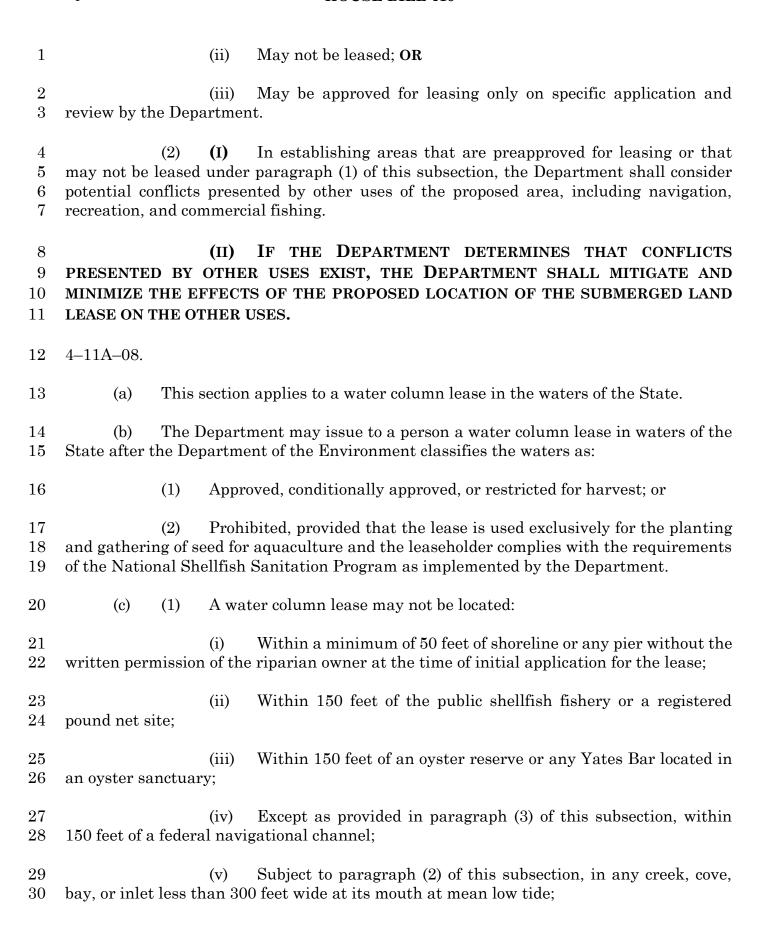
31 (ii) Within 150 feet of the public shellfish fishery or a registered 32 pound net site;

written permission of the riparian owner at the time of initial application for the lease;

- 1 (iii) Within 150 feet of an oyster reserve or any Yates Bar located in 2 an oyster sanctuary;
- 3 (iv) Except as provided in paragraph (4) of this subsection, within 4 150 feet of a federal navigational channel;
- 5 (v) Subject to paragraph (3) of this subsection, in any creek, cove, 6 bay, or inlet less than 300 feet wide at its mouth at mean low tide; or
- 7 (vi) In an SAV Protection Zone.
- 8 (3) Paragraph (2)(v) of this subsection does not apply to a riparian owner 9 or a lawful occupant of the riparian property.
- 10 (4) (I) IN DETERMINING THE LOCATION OF A SUBMERGED LAND
 11 LEASE IN THE CHESAPEAKE BAY, THE DEPARTMENT SHALL CONSIDER POTENTIAL
 12 CONFLICTS PRESENTED BY OTHER USES OF THE PROPOSED AREA, INCLUDING
 13 NAVIGATION, RECREATION, AND COMMERCIAL FISHING.
- (II) IF THE DEPARTMENT DETERMINES THAT CONFLICTS
 PRESENTED BY OTHER USES EXIST, THE DEPARTMENT SHALL MITIGATE AND
 MINIMIZE THE EFFECTS OF THE PROPOSED LOCATION OF THE SUBMERGED LAND
 LEASE ON THE OTHER USES.
- 18 **[**(4)**] (5)** A submerged land lease of a riparian owner or a lawful occupant 19 of the riparian property may be located in Herring Creek in St. Mary's County.
- 20 (c) A person with a submerged land lease in the Chesapeake Bay may cultivate 21 shellfish on the submerged land, in temporary protective enclosures approved by the 22 Department on the surface of the submerged land, or in any other manner authorized by 23 the Department.
- 24 (d) Notwithstanding any other provision of this subtitle, a lease of submerged 25 land located within a sanctuary must be compatible with oyster restoration and must 26 satisfy the criteria for permissible leasing within a sanctuary as provided in regulations 27 adopted under this subtitle.
- 28 4–11A–07.

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- 29 (a) This section applies to a submerged land lease in the waters of the Atlantic 30 Coastal Bays.
- 31 (e) (1) The Department may establish submerged land areas in the Atlantic 32 Coastal Bays that:
 - (i) Are preapproved for leasing;



1	(vi) In an SAV Protection Zone; or
2 3	(vii) In a setback or buffer from the Assateague Island National Seashore established by the Department.
4 5	(2) The provisions of paragraph (1)(v) of this subsection do not apply to the riparian owner or a lawful occupant of the riparian property.
6 7 8 9	(3) (I) IN DETERMINING THE LOCATION OF A WATER COLUMN LEASE, THE DEPARTMENT SHALL CONSIDER POTENTIAL CONFLICTS PRESENTED BY OTHER USES OF THE PROPOSED AREA, INCLUDING NAVIGATION, RECREATION, AND COMMERCIAL FISHING.
10 11 12 13	(II) IF THE DEPARTMENT DETERMINES THAT CONFLICTS PRESENTED BY OTHER USES EXIST, THE DEPARTMENT SHALL MITIGATE AND MINIMIZE THE EFFECTS OF THE PROPOSED LOCATION OF THE WATER COLUMN LEASE ON THE OTHER USES.
14 15	[(3)] (4) A water column lease of a riparian owner or a lawful occupant of the riparian property may be located in Herring Creek in St. Mary's County.
16 17	(d) A person with a water column lease in the waters of the State may cultivate shellfish:
18 19	(1) Subject to approval by the United States Army Corps of Engineers, on or under the surface of the water in a floating structure; or
20	(2) In any other manner authorized by the Department.
21	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

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October 1, 2015.