

HOUSE BILL 841

M2

9lr2444

By: **Delegates Clark and Morgan**

Introduced and read first time: February 8, 2019

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

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

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

11 BY repealing and reenacting, with amendments,
12 Article – Natural Resources
13 Section 4–11A–10(c)
14 Annotated Code of Maryland
15 (2018 Replacement Volume)

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

18 **Article – Natural Resources**

19 4–11A–10.

20 (c) A leaseholder may not:

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

23 (2) Plant or harvest shellfish within 500 yards of any stationary blind or

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 blind site that is occupied and being used for hunting migratory waterfowl;

2 (3) Sublease a lease;

3 (4) Transfer a lease without the approval of the Department;

4 (5) Harvest shellfish between the hours of sunset and sunrise; or

5 (6) Place unlawfully harvested oysters on a lease.

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

10 (1) the impact that placing shellfish, bags, nets, or structures on
11 submerged aquatic vegetation without prior written approval from the Department has had
12 on submerged aquatic vegetation and leaseholders;

13 (2) the number of leases that have submerged aquatic vegetation present
14 in the lease area; and

15 (3) any other information the Department considers necessary.

16 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June
17 1, 2019. It shall remain effective for a period of 5 years and 1 month and, at the end of June
18 30, 2024, this Act, with no further action required by the General Assembly, shall be
19 abrogated and of no further force and effect.