

HOUSE BILL 109

M1, C5

(PRE-FILED)

4r0300
CF SB 281

By: **Chair, Environment and Transportation Committee (By Request –
Departmental – Natural Resources)**

Requested: September 15, 2023

Introduced and read first time: January 10, 2024

Assigned to: Environment and Transportation

Committee Report: Favorable

House action: Adopted

Read second time: February 20, 2024

CHAPTER _____

1 AN ACT concerning

2 **Natural Resources – Submerged Aquatic Vegetation – Alteration or Removal**
3 **Requirements**

4 FOR the purpose of authorizing certain persons to alter certain submerged aquatic
5 vegetation in a certain manner and in accordance with certain requirements;
6 authorizing a public utility company or telecommunications carrier to alter certain
7 submerged aquatic vegetation in a certain manner and in accordance with certain
8 requirements; altering certain requirements related to the alteration or removal of
9 certain submerged aquatic vegetation; and generally relating to submerged aquatic
10 vegetation in the tidal waters of the State.

11 BY repealing and reenacting, without amendments,
12 Article – Natural Resources
13 Section 4–101(a) and (s)
14 Annotated Code of Maryland
15 (2023 Replacement Volume and 2023 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Natural Resources
18 Section 4–213
19 Annotated Code of Maryland
20 (2023 Replacement Volume and 2023 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Natural Resources**

4 4–101.

5 (a) In this title the following words have the meanings indicated.

6 (s) “Tidal water” means water below a point where the tide ebbs and flows.

7 4–213.

8 (a) In this section, “submerged aquatic vegetation” means a vascular or
9 nonvascular hydrophyte, which is rooted or unrooted, that lies entirely beneath the surface
10 of the water, except for flowering parts in some species.

11 (b) This section does not apply to activities involved in:

12 (1) The harvesting of fish, shellfish, or crabs; or

13 (2) The construction, operation, and maintenance of agricultural drainage
14 channels.

15 (c) Except as provided in this section, before a person may **TRIM**, harvest, cut, or
16 otherwise remove or eradicate submerged aquatic vegetation from any land under the tidal
17 waters of the State below the mean high tide, the person shall submit to the Department
18 for approval a description of:

19 (1) Why the **ALTERATION OR** removal of submerged aquatic vegetation is
20 necessary;

21 (2) The proposed method of **ALTERATION OR** removal;

22 (3) A plan showing the site at which the activity is proposed; and

23 (4) The extent of submerged aquatic vegetation to be **ALTERED OR**
24 removed.

25 (d) (1) (i) To allow ample access to their property from a navigable channel,
26 a person who owns or rents a pier, dock, or ramp on the [Chesapeake Bay or its tributaries]
27 **TIDAL WATERS OF THE STATE** may [harvest, cut, or otherwise remove or eradicate] **TRIM**
28 **OR CUT** submerged aquatic vegetation in a strip up to [60] **20** feet wide extending from the
29 pier, dock, or ramp to the navigable channel without the approval of the Department.

30 (ii) A person who owns or rents any marina on the [Chesapeake Bay

1 or its tributaries] **TIDAL WATERS OF THE STATE** or the agent of the person may [harvest,
2 cut, or otherwise remove or eradicate] **TRIM OR CUT** submerged aquatic vegetation in a
3 strip up to [60] **20** feet wide extending from each individual boat slip to the common points
4 of ingress and egress of the navigable channels servicing the marina without the approval
5 of the Department.

6 (iii) 1. [A] **EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2**
7 **OF THIS SUBPARAGRAPH**, A public utility company or telecommunications carrier may
8 **TRIM**, harvest, cut, or otherwise remove or eradicate submerged aquatic vegetation in a
9 strip up to [60] **20** feet wide in order to maintain utility crossings in the waters of the State
10 without the approval of the Department. [However, there]

11 2. **THERE** is no limitation to a [60] **20** foot wide strip for a
12 utility company or telecommunications carrier when:

13 [1.] **A.** Performing an emergency investigation; or

14 [2.] **B.** Performing repair work.

15 (2) [Before] **NOTWITHSTANDING PARAGRAPH (1) OF THIS**
16 **SUBSECTION, BEFORE** a person **TRIMS**, harvests, cuts, or otherwise removes or eradicates
17 submerged aquatic vegetation under this subsection, the person [is encouraged] **SHALL**:

18 (i) [To contact] **CONTACT** the Department for information on best
19 harvesting methods; [and]

20 (ii) [To use] **USE** best harvesting methods; **AND**

21 **(III) PROVIDE THE DEPARTMENT WITH THE:**

22 1. **LOCATION OF THE SUBMERGED AQUATIC**
23 **VEGETATION THAT WILL BE ALTERED OR REMOVED; AND**

24 2. **DATE ON WHICH THE ALTERATION OR REMOVAL WILL**
25 **OCCUR.**

26 (3) (i) This paragraph does not apply to:

27 1. Any person who has a national pollution discharge
28 elimination system permit; or

29 2. Any publicly or privately owned sewage treatment plant.

30 (ii) A person may not use any chemical to **TRIM**, harvest, cut, or
31 otherwise remove or eradicate submerged aquatic vegetation under this subsection.

1 (e) (1) Except as provided in subsection (d) of this section, the Department
2 may authorize or prohibit the removal or eradication of any species of submerged aquatic
3 vegetation or combination thereof for any purpose, including facilitation of boating access.

4 (2) If a plan is approved, the Department may prescribe the time, method,
5 and extent of the removal or eradication **TO**:

6 (i) **[To control] CONTROL** the effect of the removal or eradication
7 on water quality; or

8 (ii) **[To protect] PROTECT** the growth and proliferation of fish and
9 aquatic grasses.

10 (f) (1) The Secretary may adopt regulations to administer this section.

11 (2) As part of the regulations, the Secretary may authorize specific
12 categories of removal of submerged aquatic vegetation.

13 (g) (1) Except as otherwise provided in this section, a person may **TRIM**,
14 harvest, cut, or otherwise remove or eradicate submerged aquatic vegetation from any land
15 under the tidal waters of the State below mean high tide only in accordance with a plan
16 approved by the Department.

17 (2) The plan under this subsection shall include the following
18 requirements:

19 (i) The name, address, and telephone number of the person making
20 the request;

21 (ii) A written description by the person making the request of the
22 reasons why it is necessary to **ALTER OR** remove the submerged aquatic vegetation;

23 (iii) The proposed method to **ALTER OR** remove the submerged
24 aquatic vegetation; and

25 (iv) A diagram showing the location and extent of the submerged
26 aquatic vegetation that is proposed to be **ALTERED OR** removed.

27 (h) The authorization required by this section is in addition to any other permit
28 or license required by law.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2024.