

HOUSE BILL 807

M1

(4lr2864)

ENROLLED BILL

— *Environment and Transportation/Education, Energy, and the Environment* —

Introduced by ~~Delegate Stein~~ Delegates Stein, Foley, Lehman, T. Morgan, Ruth, and Terrasa

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Natural Resources – Submerged Aquatic Vegetation Surveys**

3 FOR the purpose of altering the definition of “aerial survey” for purposes of surveying
4 submerged aquatic vegetation to include other surveys that ~~use certain data~~
5 encompass certain geographic areas and use certain methodologies; requiring the
6 Department of Natural Resources to study and report on the implications and
7 feasibility of using alternative methods other than an aerial survey to delineate SAV
8 protection zones on or before a certain date; and generally relating to submerged
9 aquatic vegetation surveys.

10 BY repealing and reenacting, with amendments,
11 Article – Natural Resources
12 Section 4–1006.1 and 4–11A–01(n)
13 Annotated Code of Maryland

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.

Italics indicate opposite chamber/conference committee amendments.



(2023 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, without amendments,
 Article – Natural Resources
 Section 4–11A–01(a)
 Annotated Code of Maryland
 (2023 Replacement Volume and 2023 Supplement)

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

Article – Natural Resources

4–1006.1.

(a) (1) In this section the following words have the meanings indicated.

(2) “SAV PROTECTION ZONE” MEANS AN AREA DELINEATED BY THE
 DEPARTMENT FOR THE PROTECTION FROM UPROOTING AND THE RESTORATION OF
 SUBMERGED AQUATIC VEGETATION.

[(2)] (3) [“Aerial” “SAV survey” means [the]:

(I) ~~THE annual aerial SUBMERGED AQUATIC VEGETATION~~
 survey compiled by the Virginia Institute of Marine Sciences for the ~~annual Bay-wide~~
~~Submerged Aquatic Vegetation Mapping Program~~ CHESAPEAKE BAY AND ATLANTIC
COASTAL BAYS; AND OR

(II) ANY OTHER SURVEY THAT ~~USES DATA THAT:~~

1. ~~PERTAINS TO~~ ENCOMPASSES THE DISTRIBUTION OF
 SUBMERGED AQUATIC VEGETATION ~~IN THE STATE; AND~~ IN:

A. THE CHESAPEAKE BAY;

B. THE ATLANTIC COASTAL BAYS; OR

C. THE CHESAPEAKE BAY AND THE ATLANTIC COASTAL
BAYS;

2. USES A METHODOLOGY FOR SAV SURVEYS
APPROVED BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY’S CHESAPEAKE
BAY PROGRAM; AND

~~2.~~ 3. IS APPROVED BY THE DEPARTMENT.

1 [(3) "SAV protection zone" means an area delineated by the Department for
2 the protection from uprooting and the restoration of submerged aquatic vegetation.]

3 (b) (1) In 2004 and every 3 years thereafter, the Department shall update the
4 delineations of SAV protection zones that were completed in 2001.

5 (2) The updated delineations shall include areas where submerged aquatic
6 vegetation has been mapped ~~OR OBSERVED~~ by [aerial] SAV surveys during at least 1 of
7 the previous 3 years.

8 (c) (1) Except as provided in paragraph (2) of this subsection, a previously
9 delineated SAV protection zone may be opened to the use of the gear set forth in subsection
10 (f) of this section during an update if:

11 (i) [Aerial] SAV surveys have not shown any submerged aquatic
12 vegetation in the area during the past 3 years; or

13 (ii) [Aerial] SAV surveys have shown the density of submerged
14 aquatic vegetation in that area to be less than 10% during each of the past 6 years.

15 (2) The areas in the vicinity of Smith Island, South Marsh Island, and
16 Bloodsworth Island that were closed to hydraulic clam dredging in the 1999 delineation
17 shall be closed to the gear set forth in subsection (f) of this section and may not be reopened.

18 (d) (1) To the extent possible, the Department shall adjust SAV protection
19 zones so that delineations are geographically manageable, utilizing straight lines and
20 existing points of reference.

21 (2) (i) To the extent possible, an adjustment made in accordance with
22 paragraph (1) of this subsection shall result in no net loss or gain of protected area.

23 (ii) To the extent possible, to prevent the net loss or gain of protected
24 area resulting from an adjustment made in accordance with paragraph (1) of this
25 subsection, the adjustment may:

26 1. Exclude small areas of vegetated bottom; or

27 2. Include small areas of unvegetated bottom.

28 (e) The Department:

29 (1) Shall utilize buoys or other visible landmarks as appropriate to mark
30 SAV protection zones;

1 (2) May make revisions to the delineations of SAV protection zones at any
2 time if determined to be necessary; and

3 (3) Shall publish, by public notice, delineations of SAV protection zones and
4 revisions to SAV protection zones.

5 (f) A person may not use the following gear in a SAV protection zone:

6 (1) A hydraulic clam dredge;

7 (2) A traditional bottom dredge; and

8 (3) A shinnecock rake.

9 (g) This section may not be construed to affect the authority of the Department
10 to adopt any additional measures that the Department determines are necessary to protect
11 submerged aquatic vegetation beds in the waters of the State.

12 4-11A-01.

13 (a) In this subtitle the following words have the meanings indicated.

14 (n) "SAV Protection Zone" means an area of submerged aquatic vegetation as
15 mapped ~~OR OBSERVED~~ in [aerial surveys by the Virginia Institute of Marine Sciences] **AN**
16 **SAV SURVEY, AS DEFINED IN § 4-1006.1 OF THIS TITLE**, in 1 or more of the 5 years
17 preceding the designation of an Aquaculture Enterprise Zone or an application for a lease
18 under this subtitle.

19 SECTION 2. AND BE IT FURTHER ENACTED, That:

20 (a) The Department of Natural Resources shall study and report on the
21 implications and feasibility of using alternative methods other than an aerial survey to
22 delineate SAV protection zones, as defined in § 4-1006.1 of the Natural Resources Article
23 as enacted by Section 1 of this Act.

24 (b) The report shall:

25 (1) analyze the current benefits and drawbacks of using an aerial survey
26 to delineate SAV protection zones;

27 (2) analyze the implications and feasibility of using alternative methods or
28 technologies for delineating SAV protection zones;

29 (3) analyze whether alternative methods or technologies may be used more
30 frequently than every 3 years to delineate SAV protection zones; and

1 (4) analyze the benefits and drawbacks of increasing the look-back period
2 in § 4-1006.1(c) of the Natural Resources Article, as enacted by Section 1 of this Act.

3 (c) On or before December ~~31, 2024~~ 1, 2025, the Department of Natural Resources
4 shall submit the report, in accordance with § 2-1257 of the State Government Article, to
5 the General Assembly.

6 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June
7 1, 2024.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.