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By: **Senator Frosh**  
Introduced and read first time: February 14, 2000  
Assigned to: Rules

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A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources - Submerged Aquatic Vegetation**

3 FOR the purpose of requiring the Department of Natural Resources to update certain  
4 delineations of certain submerged aquatic vegetation protection zones at certain  
5 times; authorizing a certain area to be opened to certain activities during certain  
6 times and under certain circumstances; requiring the Department to make  
7 certain adjustments to certain delineations; requiring the Department to  
8 provide certain notice of certain delineations; prohibiting the use of certain gear  
9 in certain protection zones; providing certain exceptions; defining certain terms;  
10 and generally relating to the protection and restoration of submerged aquatic  
11 vegetation.

12 BY repealing and reenacting, with amendments,  
13 Article - Natural Resources  
14 Section 4-1006.1  
15 Annotated Code of Maryland  
16 (1997 Replacement Volume and 1999 Supplement)

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

19 **Article - Natural Resources**

20 4-1006.1.

21 (a) [A person may not use a hydraulic clam dredge in any submerged aquatic  
22 vegetation bed.

23 (b) The Department shall:

24 (1) Delineate existing submerged aquatic vegetation beds in the waters  
25 of the State not currently protected under Part IV of this subtitle by using the most  
26 recent aerial surveys as guidance; and

27 (2) Update as necessary the delineation required under paragraph (1) of  
28 this subsection.]

1 IN THIS SECTION, "SAV PROTECTION ZONE" MEANS AN AREA DELINEATED BY  
2 THE DEPARTMENT FOR THE PROTECTION FROM UPROOTING AND THE RESTORATION  
3 OF SUBMERGED AQUATIC VEGETATION.

4 (B) (1) IN 2002 AND EVERY 3 YEARS THEREAFTER, THE DEPARTMENT SHALL  
5 UPDATE THE DELINEATIONS OF SAV PROTECTION ZONES THAT WERE COMPLETED IN  
6 1999.

7 (2) THE UPDATED DELINEATIONS SHALL INCLUDE AREAS WHERE  
8 SUBMERGED AQUATIC VEGETATION HAS BEEN MAPPED BY AERIAL SURVEYS  
9 DURING AT LEAST 1 OF THE PREVIOUS 3 YEARS.

10 (C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A  
11 PREVIOUSLY DELINEATED SAV PROTECTION ZONE MAY BE OPENED TO THE USE OF  
12 THE GEAR SET FORTH IN SUBSECTION (F) OF THIS SECTION DURING AN UPDATE IF:

13 (I) AERIAL SURVEYS HAVE NOT SHOWN ANY SUBMERGED  
14 AQUATIC VEGETATION IN THE AREA DURING THE PAST 3 YEARS; OR

15 (II) AERIAL SURVEYS HAVE SHOWN THE DENSITY OF SUBMERGED  
16 AQUATIC VEGETATION IN THAT AREA TO BE LESS THAN 10% DURING EACH OF THE  
17 PAST 6 YEARS.

18 (2) THE AREAS IN THE VICINITY OF SMITH ISLAND, SOUTH MARSH  
19 ISLAND, AND BLOODSWORTH ISLAND THAT WERE CLOSED TO HYDRAULIC CLAM  
20 DREDGING IN THE 1999 DELINEATION SHALL BE CLOSED TO THE GEAR SET FORTH IN  
21 SUBSECTION (F) OF THIS SECTION AND MAY NOT BE REOPENED.

22 (D) (1) TO THE EXTENT POSSIBLE, THE DEPARTMENT SHALL ADJUST SAV  
23 PROTECTION ZONES SO THAT DELINEATIONS ARE GEOGRAPHICALLY MANAGEABLE,  
24 UTILIZING STRAIGHT LINES AND EXISTING POINTS OF REFERENCE.

25 (2) (I) TO THE EXTENT POSSIBLE, AN ADJUSTMENT MADE IN  
26 ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION SHALL RESULT IN NO NET  
27 LOSS OR GAIN OF PROTECTED AREA.

28 (II) TO MINIMIZE THE NET LOSS OR GAIN OF PROTECTED AREA  
29 RESULTING FROM AN ADJUSTMENT MADE IN ACCORDANCE WITH PARAGRAPH (1) OF  
30 THIS SUBSECTION, THE ADJUSTMENT MAY:

31 1. EXCLUDE SMALL AREAS OF VEGETATED BOTTOM; OR

32 2. INCLUDE SMALL AREAS OF UNVEGETATED BOTTOM.

33 (E) THE DEPARTMENT:

34 (1) MAY UTILIZE BUOYS AS NECESSARY TO MARK SAV PROTECTION  
35 ZONES;

1           (2)       MAY MAKE REVISIONS TO THE DELINEATIONS OF SAV PROTECTION  
2 ZONES AT ANY TIME IF DETERMINED TO BE NECESSARY; AND

3           (3)       SHALL PUBLISH, BY PUBLIC NOTICE, DELINEATIONS OF SAV  
4 PROTECTION ZONES AND REVISIONS TO SAV PROTECTION ZONES.

5       (F)       A PERSON MAY NOT USE THE FOLLOWING GEAR IN A SAV PROTECTION  
6 ZONE:

7           (1)       A HYDRAULIC CLAM DREDGE;

8           (2)       A TRADITIONAL BOTTOM DREDGE; AND

9           (3)       A SHINNECOCK RAKE.

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

13       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 July 1, 2000.