
By: **Senator Frosh**

Introduced and read first time: February 14, 2000

Assigned to: Rules

Re-referred to: Economic and Environmental Affairs, February 18, 2000

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 13, 2000

CHAPTER _____

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 requiring the Department of Natural Resources to review and comment to
11 certain entities on certain applications for permits for certain purposes; and
12 generally relating to the protection and restoration of submerged aquatic
13 vegetation.

14 BY repealing and reenacting, with amendments,
15 Article - Natural Resources
16 Section 4-1006.1
17 Annotated Code of Maryland
18 (1997 Replacement Volume and 1999 Supplement)

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

1 **Article - Natural Resources**

2 4-1006.1.

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

5 (b) The Department shall:

6 (1) Delineate existing submerged aquatic vegetation beds in the waters
7 of the State not currently protected under Part IV of this subtitle by using the most
8 recent aerial surveys as guidance; and9 (2) Update as necessary the delineation required under paragraph (1) of
10 this subsection.]11 IN THIS SECTION, "SAV PROTECTION ZONE" MEANS AN AREA DELINEATED BY
12 THE DEPARTMENT FOR THE PROTECTION FROM UPROOTING AND THE RESTORATION
13 OF SUBMERGED AQUATIC VEGETATION.14 (B) (1) IN 2002 AND EVERY 3 YEARS THEREAFTER, THE DEPARTMENT SHALL
15 UPDATE THE DELINEATIONS OF SAV PROTECTION ZONES THAT WERE COMPLETED IN
16 1999.17 (2) THE UPDATED DELINEATIONS SHALL INCLUDE AREAS WHERE
18 SUBMERGED AQUATIC VEGETATION HAS BEEN MAPPED BY AERIAL SURVEYS
19 DURING AT LEAST 1 OF THE PREVIOUS 3 YEARS.20 (C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A
21 PREVIOUSLY DELINEATED SAV PROTECTION ZONE MAY BE OPENED TO THE USE OF
22 THE GEAR SET FORTH IN SUBSECTION (F) OF THIS SECTION DURING AN UPDATE IF:23 (I) AERIAL SURVEYS HAVE NOT SHOWN ANY SUBMERGED
24 AQUATIC VEGETATION IN THE AREA DURING THE PAST 3 YEARS; OR25 (II) AERIAL SURVEYS HAVE SHOWN THE DENSITY OF SUBMERGED
26 AQUATIC VEGETATION IN THAT AREA TO BE LESS THAN 10% DURING EACH OF THE
27 PAST 6 YEARS.28 (2) THE AREAS IN THE VICINITY OF SMITH ISLAND, SOUTH MARSH
29 ISLAND, AND BLOODSWORTH ISLAND THAT WERE CLOSED TO HYDRAULIC CLAM
30 DREDGING IN THE 1999 DELINEATION SHALL BE CLOSED TO THE GEAR SET FORTH IN
31 SUBSECTION (F) OF THIS SECTION AND MAY NOT BE REOPENED.32 (D) (1) TO THE EXTENT POSSIBLE, THE DEPARTMENT SHALL ADJUST SAV
33 PROTECTION ZONES SO THAT DELINEATIONS ARE GEOGRAPHICALLY MANAGEABLE,
34 UTILIZING STRAIGHT LINES AND EXISTING POINTS OF REFERENCE.

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

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

7 1. EXCLUDE SMALL AREAS OF VEGETATED BOTTOM; OR

8 2. INCLUDE SMALL AREAS OF UNVEGETATED BOTTOM.

9 (E) THE DEPARTMENT:

10 (1) MAY UTILIZE BUOYS AS NECESSARY TO MARK SAV PROTECTION
11 ZONES;

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

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

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

18 (1) A HYDRAULIC CLAM DREDGE;

19 (2) A TRADITIONAL BOTTOM DREDGE; AND

20 (3) A SHINNECOCK RAKE.

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

24 SECTION 2. AND BE IT FURTHER ENACTED, That, to ensure the protection
25 of subaqueous bottom within SAV protection zones, as defined in § 4-1006.1 of the
26 Natural Resources Article as enacted by Section 1 of this Act, the Department of
27 Natural Resources shall review and comment on applications for permits for the
28 construction of piers, stormwater outfall pipes, and sewage treatment outfall pipes to
29 the Department of the Environment or the local permit review and approval agency
30 as appropriate.

31 ~~SECTION 2. 3.~~ AND BE IT FURTHER ENACTED, That this Act shall take
32 effect July 1, 2000.

