

SENATE BILL 172

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SB 807/00 - EEA

2001 Regular Session  
11r0508  
CF 11r1162

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By: **Senators Frosh and Stoltzfus**

Introduced and read first time: January 19, 2001

Assigned to: Economic and Environmental Affairs

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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 requiring the Department to review and comment on certain applications for  
11 permits for certain purposes; requiring the Department to submit a certain  
12 report to the General Assembly on or before a certain date; and generally  
13 relating to the protection and restoration of submerged aquatic vegetation.

14 BY repealing and reenacting, with amendments,  
15 Article - Natural Resources  
16 Section 4-1006.1  
17 Annotated Code of Maryland  
18 (2000 Replacement Volume)

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

21 **Article - Natural Resources**

22 4-1006.1.

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

25 (b) The Department shall:

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

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

3 (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
4 INDICATED.

5 (2) "AERIAL SURVEY" MEANS THE ANNUAL AERIAL SURVEY COMPILED  
6 BY THE VIRGINIA INSTITUTE OF MARINE SCIENCES FOR THE ANNUAL, BAY-WIDE  
7 SUBMERGED AQUATIC VEGETATION MAPPING PROGRAM.

8 (3) "SAV PROTECTION ZONE" MEANS AN AREA DELINEATED BY THE  
9 DEPARTMENT FOR THE PROTECTION FROM UPROOTING AND THE RESTORATION OF  
10 SUBMERGED AQUATIC VEGETATION.

11 (B) (1) IN 2003 AND EVERY 3 YEARS THEREAFTER, THE DEPARTMENT SHALL  
12 UPDATE THE DELINEATIONS OF SAV PROTECTION ZONES THAT WERE COMPLETED IN  
13 2000.

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

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

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

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

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

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

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

35 (II) TO THE EXTENT POSSIBLE, TO PREVENT THE NET LOSS OR GAIN  
36 OF PROTECTED AREA RESULTING FROM AN ADJUSTMENT MADE IN ACCORDANCE  
37 WITH PARAGRAPH (1) OF THIS SUBSECTION, THE ADJUSTMENT MAY:

1 1. EXCLUDE SMALL AREAS OF VEGETATED BOTTOM; OR

2 2. INCLUDE SMALL AREAS OF UNVEGETATED BOTTOM.

3 (E) THE DEPARTMENT:

4 (1) MAY UTILIZE BUOYS AS NECESSARY TO MARK SAV PROTECTION  
5 ZONES;

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

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

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

12 (1) A HYDRAULIC CLAM DREDGE;

13 (2) A TRADITIONAL BOTTOM DREDGE; AND

14 (3) A SHINNECOCK RAKE.

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

18 SECTION 2. AND BE IT FURTHER ENACTED, That, to ensure the protection  
19 of subaqueous bottom within SAV protection zones, as defined in § 4-1006.1 of the  
20 Natural Resources Article, the Department of Natural Resources shall review and  
21 comment on applications for permits for the construction of piers, stormwater outfall  
22 pipes, and sewage treatment outfall pipes to the Department of the Environment or  
23 the local permit review and approval agency, as appropriate.

24 SECTION 3. AND BE IT FURTHER ENACTED, That in recognition of the  
25 potentially detrimental impact of multiple factors, including nutrient pollution,  
26 sedimentation, mute swans, rays, nutria, phragmites, and jet skis, on submerged  
27 aquatic vegetation, the Department of Natural Resources shall assess the impact of  
28 those factors on submerged aquatic vegetation and submit a report, in accordance  
29 with § 2-1246 of the State Government Article, to the General Assembly on or before  
30 December 31, 2001. The report shall include an estimate of the funding  
31 enhancements required to design and implement additional submerged aquatic  
32 vegetation management plans and the time frames for completing and implementing  
33 the management plans.

34 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
35 July 1, 2001.