

SENATE BILL 172

Unofficial Copy
M1
SB 807/00 - EEA

2001 Regular Session
11r0508
CF 11r1162

By: **Senators Frosh and Stoltzfus**

Introduced and read first time: January 19, 2001
Assigned to: Economic and Environmental Affairs

Committee Report: Favorable
Senate action: Adopted
Read second time: February 15, 2001

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 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:

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; and

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

11 (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
12 INDICATED.

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

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

19 (B) (1) IN 2003 AND EVERY 3 YEARS THEREAFTER, THE DEPARTMENT SHALL
20 UPDATE THE DELINEATIONS OF SAV PROTECTION ZONES THAT WERE COMPLETED IN
21 2000.

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

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

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

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

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

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

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

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

10 1. EXCLUDE SMALL AREAS OF VEGETATED BOTTOM; OR

11 2. INCLUDE SMALL AREAS OF UNVEGETATED BOTTOM.

12 (E) THE DEPARTMENT:

13 (1) MAY UTILIZE BUOYS AS NECESSARY TO MARK SAV PROTECTION
14 ZONES;

15 (2) MAY MAKE甠 REVISIONS TO THE DELINEATIONS OF SAV DROTECTION
16 ZONES AT ANY TIME IF DETERMINED TO BE NECESSARY; AND

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

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

21 (1) A HYDRAULIC CLAM DREDGE;

22 (2) A TRADITIONAL BOTTOM DREDGE; AND

23 (3) A SHINNECOCK RAKE.

24 [(c)] (G) This section may not be construed to affect the authority甠 authority of the
25 Department to adopt any additional measures thatc1 the Department determines are
26 necessary to protect submerged aquatic vegetation beds 甠 the waters of the State.

1 those factors on submerged aquatic vegetation and submit a report, in accordance
2 with § 2-1246 of the State Government Article, to the General Assembly on or before
3 December 31, 2001. The report shall include an estimate of the funding
4 enhancements required to design and implement additional submerged aquatic
5 vegetation management plans and the time frames for completing and implementing
6 the management plans.

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