

SENATE BILL 195

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2002 Regular Session
(2r0547)

ENROLLED BILL

-- Education, Health, and Environmental Affairs/Environmental Matters --

Introduced by **Senators Frosh and Stoltzfus**

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.

President.

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 utilize*
8 *certain means to mark certain protection zones*; requiring the Department to
9 provide certain notice of certain delineations; prohibiting the use of certain gear
10 in certain protection zones; providing certain exceptions; defining certain terms;
11 and generally relating to the protection and restoration of submerged aquatic
12 vegetation.

13 BY repealing and reenacting, with amendments,
14 Article - Natural Resources
15 Section 4-1006.1
16 Annotated Code of Maryland

1 (2000 Replacement Volume and 2001 Supplement)

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

4 **Article - Natural Resources**

5 4-1006.1.

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

8 (b) The Department shall:

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

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

14 (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
15 INDICATED.

16 (2) "AERIAL SURVEY" MEANS THE ANNUAL AERIAL SURVEY COMPILED
17 BY THE VIRGINIA INSTITUTE OF MARINE SCIENCES FOR THE ANNUAL BAY-WIDE
18 SUBMERGED AQUATIC VEGETATION MAPPING PROGRAM.

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

22 (B) (1) IN 2004 AND EVERY 3 YEARS THEREAFTER, THE DEPARTMENT SHALL
23 UPDATE THE DELINEATIONS OF SAV PROTECTION ZONES THAT WERE COMPLETED IN
24 2001.

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

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

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

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

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

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

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

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

- 14 1. EXCLUDE SMALL AREAS OF VEGETATED BOTTOM; OR
- 15 2. INCLUDE SMALL AREAS OF UNVEGETATED BOTTOM.

16 (E) THE DEPARTMENT:

17 (1) ~~MAY~~ SHALL UTILIZE BUOYS ~~AS NECESSARY~~ OR OTHER VISIBLE
18 LANDMARKS AS APPROPRIATE TO MARK SAV PROTECTION ZONES;

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

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

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

- 25 (1) A HYDRAULIC CLAM DREDGE;
- 26 (2) A TRADITIONAL BOTTOM DREDGE; AND
- 27 (3) A SHINNECOCK RAKE.

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

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 July 1, 2002.

