

SENATE BILL 195

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SB 172/01 - EEA

2002 Regular Session
2lr0547
CF 2lr1813

By: **Senators Frosh and Stoltzfus**

Introduced and read first time: January 18, 2002

Assigned to: Education, Health, and Environmental Affairs

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 (2000 Replacement Volume and 2001 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 (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
2 INDICATED.

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

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

9 (B) (1) IN 2004 AND EVERY 3 YEARS THEREAFTER, THE DEPARTMENT SHALL
10 UPDATE THE DELINEATIONS OF SAV PROTECTION ZONES THAT WERE COMPLETED IN
11 2001.

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

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

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

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

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

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

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

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

36 1. EXCLUDE SMALL AREAS OF VEGETATED BOTTOM; OR

37 2. INCLUDE SMALL AREAS OF UNVEGETATED BOTTOM.

1 (E) THE DEPARTMENT:

2 (1) MAY UTILIZE BUOYS AS NECESSARY TO MARK SAV PROTECTION
3 ZONES;

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

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

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

10 (1) A HYDRAULIC CLAM DREDGE;

11 (2) A TRADITIONAL BOTTOM DREDGE; AND

12 (3) A SHINNECOCK RAKE.

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

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