
By: **Delegates O'Donnell and Aumann**
Introduced and read first time: February 10, 2006
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources - Aquaculture Operations - Oyster Seed Areas**

3 FOR the purpose of authorizing a person who is otherwise entitled to a permit to
4 engage in certain aquaculture operations to establish oyster seed areas in any
5 waters of the State provided that the oyster seed meets certain requirements;
6 and generally relating to aquaculture operations.

7 BY repealing and reenacting, with amendments,
8 Article - Natural Resources
9 Section 4-11A-02
10 Annotated Code of Maryland
11 (2005 Replacement Volume and 2005 Supplement)

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

14 **Article - Natural Resources**

15 4-11A-02.

16 (a) (1) The Department shall promulgate by regulation requirements that
17 are necessary to ensure that aquaculture operations do not adversely impact wild
18 stocks of fish, including measures for identifying fish as products of an aquaculture
19 operation. In developing these regulations, the Department shall consult with the
20 Aquaculture Coordinating Council, established by § 10-1303 of the Agriculture
21 Article, and incorporate in the regulations public notice provisions in accordance with
22 § 4-11A-06 of this subtitle.

23 (2) The Department may not issue a permit for the raising of nonnative
24 species, including hybrids of striped bass, or nonnative stocks unless:

25 (i) The permit limits the aquaculture operation to nontidal ponds,
26 lakes, or impoundments; and

1 (ii) The aquaculture operation is constructed in a manner that
2 assures that nonnative stocks are precluded from entering the tidal waters or
3 contaminating the native species of the State.

4 (b) A person may not engage in aquaculture unless the person has obtained a
5 permit from the Department. The permit shall be conditioned upon the person
6 complying with the regulations promulgated under subsection (a) of this section.

7 (c) A permittee under this section shall allow the Department to inspect at
8 reasonable hours any facilities, equipment, or fish involved in the permittee's
9 aquaculture operations.

10 (d) Except as otherwise provided by law or by regulations adopted by the
11 Department, all provisions of this title and regulations adopted under this title
12 applicable to the taking, possession, sale, and transport of finfish do not apply to
13 finfish that are in or from aquaculture operations in nontidal ponds, lakes, or
14 impoundments.

15 (E) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A PERSON WHO IS
16 OTHERWISE ENTITLED TO A PERMIT TO ENGAGE IN AQUACULTURE OPERATIONS
17 MAY ESTABLISH OYSTER SEED AREAS IN ANY WATERS OF THE STATE PROVIDED
18 THAT THE OYSTER SEED HAS ACCEPTABLE LEVELS OF POISONOUS OR DELETERIOUS
19 SUBSTANCES AS SPECIFIED IN THE GUIDANCE DOCUMENTS OF THE UNITED STATES
20 FOOD AND DRUG ADMINISTRATION'S NATIONAL SHELLFISH SANITATION PROGRAM
21 ENTITLED, "CHAPTER II. GROWING AREAS, .04 ACTION LEVELS, TOLERANCES AND
22 GUIDANCE LEVELS FOR POISONOUS OR DELETERIOUS SUBSTANCES IN SEAFOOD".

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2006.