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

Committee Report: Favorable with amendments
 House action: Adopted
 Read second time: March 16, 2006

CHAPTER _____

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 requiring the Aquaculture Coordinating Council to make an investigation and
 7 provide a report to the Department of Natural Resources on or before a certain
 8 date relating to certain shellfish seed production, sale, and use and exempting
 9 aquaculture operations from certain harvesting restrictions; requiring the
 10 Department, in consultation with the Department of Agriculture, to adopt
 11 certain regulations; and generally relating to aquaculture operations.

12 BY repealing and reenacting, ~~with~~ without amendments,
 13 Article - Natural Resources
 14 Section 4-11A-02
 15 Annotated Code of Maryland
 16 (2005 Replacement Volume and 2005 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 4-11A-02.

21 (a) (1) The Department shall promulgate by regulation requirements that
 22 are necessary to ensure that aquaculture operations do not adversely impact wild
 23 stocks of fish, including measures for identifying fish as products of an aquaculture

1 operation. In developing these regulations, the Department shall consult with the
2 Aquaculture Coordinating Council, established by § 10-1303 of the Agriculture
3 Article, and incorporate in the regulations public notice provisions in accordance with
4 § 4-11A-06 of this subtitle.

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

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

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

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

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

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

23 ~~(E) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A PERSON WHO IS~~
24 ~~OTHERWISE ENTITLED TO A PERMIT TO ENGAGE IN AQUACULTURE OPERATIONS~~
25 ~~MAY ESTABLISH OYSTER SEED AREAS IN ANY WATERS OF THE STATE PROVIDED~~
26 ~~THAT THE OYSTER SEED HAS ACCEPTABLE LEVELS OF POISONOUS OR DELETERIOUS~~
27 ~~SUBSTANCES AS SPECIFIED IN THE GUIDANCE DOCUMENTS OF THE UNITED STATES~~
28 ~~FOOD AND DRUG ADMINISTRATION'S NATIONAL SHELLFISH SANITATION PROGRAM~~
29 ~~ENTITLED, "CHAPTER II. GROWING AREAS, .04 ACTION LEVELS, TOLERANCES AND~~
30 ~~GUIDANCE LEVELS FOR POISONOUS OR DELETERIOUS SUBSTANCES IN SEAFOOD".~~

31 SECTION 2. AND BE IT FURTHER ENACTED, That:

32 (a) the Aquaculture Coordinating Council established under § 10-1303 of the
33 Agriculture Article shall investigate and provide recommendations to the Department
34 of Natural Resources by December 31, 2006, on:

35 (1) the establishment of areas for shellfish seed production, sale, and use
36 in accordance with the United States Food and Drug Administration's National
37 Shellfish Sanitation Program guidelines; and

1 (2) the feasibility and impacts of exempting aquaculture operations from
2 harvesting restrictions for wild stocks of fish that are established by law or
3 regulation, including:

4 (i) season restrictions;

5 (ii) catch limits;

6 (iii) minimum size limits;

7 (iv) quotas; and

8 (v) method of harvest restrictions; and

9 (b) the Department of Natural Resources, in consultation with the
10 Department of Agriculture, shall adopt regulations consistent with Title 4, Subtitle
11 11A of the Natural Resources Article that reflect the recommendations provided to the
12 Department of Natural Resources under subsection (a) of this section.

13 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
14 effect ~~October~~ June 1, 2006.