

HOUSE BILL 1306

M2

2lr0014

By: **Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)**

Introduced and read first time: February 15, 2012

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Department of Natural Resources – Aquaculture Leasing**

3 FOR the purpose of authorizing the Department of Natural Resources, in consultation
4 with the Aquaculture Coordinating Council, to charge an application fee, rent,
5 and an aquaculture development surcharge for water column leases; reducing
6 the length of time that the Department is required to advertise an aquaculture
7 lease application in a local newspaper; repealing provisions of law that
8 authorize and govern the dredging of oysters on leased ground in certain areas
9 of the State; and generally relating to aquaculture leasing.

10 BY repealing and reenacting, with amendments,
11 Article – Natural Resources
12 Section 4–11A–09(a), (d), and (g)(1)
13 Annotated Code of Maryland
14 (2005 Replacement Volume and 2011 Supplement)

15 BY repealing
16 Article – Natural Resources
17 Section 4–11A–15
18 Annotated Code of Maryland
19 (2005 Replacement Volume and 2011 Supplement)

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

22 **Article – Natural Resources**

23 4–11A–09.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) [(1)] A person who wishes to obtain an aquaculture, **WATER COLUMN**,
2 or submerged land lease shall pay a nonrefundable application fee established by the
3 Department, **IN CONSULTATION WITH THE AQUACULTURE COORDINATING**
4 **COUNCIL**, and complete and submit an application to the Department.

5 [(2) A person who wishes to obtain a water column lease that does not
6 apply in an Aquaculture Enterprise Zone shall complete and submit an application to
7 the Department.]

8 (d) (1) The term of a lease is 20 years.

9 (2) Except for a demonstration lease under § 4–11A–11 of this subtitle,
10 a lease may be of any size provided that the leaseholder actively uses the area.

11 (3) The Department shall establish, **IN CONSULTATION WITH THE**
12 **AQUACULTURE COORDINATING COUNCIL**, an annual amount of rent and an
13 aquaculture development surcharge for an aquaculture, **WATER COLUMN**, or
14 submerged land lease.

15 (4) The Department, as it considers necessary to protect the public
16 health, safety, and welfare, may:

17 (i) Deny a lease application for reasonable cause; or

18 (ii) Include any conditions in a lease.

19 (g) (1) If an application for a submerged land or water column lease in the
20 Chesapeake Bay or in the Atlantic Coastal Bays meets the requirements of this
21 subtitle:

22 (i) The applicant for the lease shall mark the proposed area
23 with a stake; and

24 (ii) The Department shall:

25 1. Advertise the application on the website of the
26 Department and once a week for [4 successive] 2 weeks in a newspaper published in
27 the county or counties where the proposed lease is to be located;

28 2. Notify the owners of property directly in front of the
29 proposed activity;

30 3. Notify each Chair of an Oyster Committee in the
31 county in which the proposed activity is located; and

4. Notify other interested parties that the Department deems appropriate.

(a) To enable private planters more effectively to compete for seed oysters and more economically produce oysters through cleaning of grounds, a person may dredge by power boat on grounds he leases for cultivation of oysters in the Wicomico and Nanticoke rivers in Wicomico County.

(c) A holder of a permit may dredge on any day except Sunday. Notice of intention to dredge shall be given in writing to every leasehold owner adjoining the leasehold area to be dredged.

(e) In addition to any other penalty imposed by this title, any captain of a boat convicted of having an unlicensed dredge on board while in a leasehold area may not dredge under his license for at least one year after the date of the conviction.]