M28lr2417

By: Senator Hershey

Introduced and read first time: February 5, 2018

Assigned to: Education, Health, and Environmental Affairs

## A BILL ENTITLED

Aquaculture Leases – Notice – Homeowners Associations

| 1 | AN ACT concerning |  |
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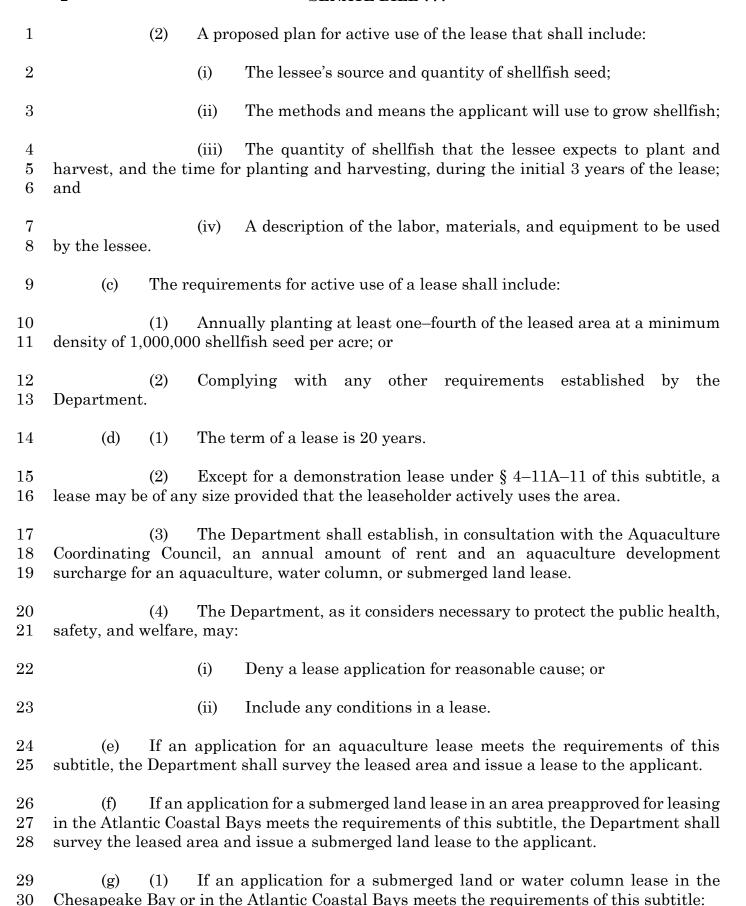
| 2 | Aquaculture Leases - Notice - Homeowners Associations |
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- 3 FOR the purpose of requiring the Department of Natural Resources to notify certain
- 4 homeowners associations of certain applications for certain aquaculture leases to be
- 5 issued in the Chesapeake Bay or in the Atlantic Coastal Bays; and generally relating
- 6 to notice of applications for aquaculture leases.
- 7 BY repealing and reenacting, with amendments,
- 8 Article – Natural Resources
- 9 Section 4–11A–09
- 10 Annotated Code of Maryland
- 11 (2012 Replacement Volume and 2017 Supplement)
- 12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND.
- 13 That the Laws of Maryland read as follows:

## 14 Article - Natural Resources

- 15 4-11A-09.
- 16 A person who wishes to obtain an aquaculture, water column, or submerged
- 17 land lease shall pay a nonrefundable application fee established by the Department, in
- consultation with the Aquaculture Coordinating Council, and complete and submit an 18
- 19 application to the Department.
- 20 An application for an aquaculture lease, water column lease, or submerged
- 21land lease shall include:
- 22 A declaration that the applicant intends to actively use the leased area (1)
- 23 for commercial purposes; and





1 The applicant for the lease shall mark the proposed area with a (i) 2 stake; and 3 (ii) The Department shall: 4 Advertise the application on the website of the 1. 5 Department and once a week for 2 weeks in a newspaper published in the county or counties where the proposed lease is to be located; 6 7 Notify the owners of property AND ANY HOMEOWNERS **ASSOCIATION THAT GOVERNS PROPERTY** directly in front of the proposed activity; 8 9 3. Notify each Chair of an Oyster Committee in the county in 10 which the proposed activity is located; and 4. 11 Notify other interested parties that the Department 12 deems appropriate. 13 Within 30 days of publication of the last advertisement under (2)paragraph (1) of this subsection, any person who has a specific right, duty, privilege, or 14 15 interest that is different from that held by the general public and may be adversely affected 16 by the proposed lease may file a petition with the Department protesting the issuance of 17 the lease. 18 (ii) The protest shall be heard in accordance with the requirements of the Administrative Procedure Act under Title 10. Subtitle 2 of the State Government 19 20 Article. The Department shall hold a public informational meeting on the 2122issuance of a lease on the request of any person. 23Immediately after termination of the period prescribed in subparagraph (i) of this paragraph for filing a petition or after a final decision dismissing 2425a protest, the Department shall survey the proposed leased area and issue a lease to the 26 applicant.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

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October 1, 2018.