

HOUSE BILL 1306

M1, M2

0lr3162
CF SB 629

By: **Delegates Terrasa, Acevero, Bagnall, Boyce, Ebersole, Feldmark, Fraser-Hidalgo, Gilchrist, Healey, Hill, Lehman, Lisanti, Palakovich Carr, Pendergrass, Stein, and Stewart**

Introduced and read first time: February 7, 2020

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – SAV Protection Zones and Hydraulic Clam Dredges**
3 **(Aquatic Habitat Protection Act)**

4 FOR the purpose of authorizing the Secretary of Natural Resources to adopt regulations to
5 define and govern the use of hydraulic clam dredges, subject to certain requirements;
6 increasing the frequency with which the Department of Natural Resources must
7 update the delineations of submerged aquatic vegetation (SAV) protection zones;
8 requiring the updated delineations to include areas where submerged aquatic
9 vegetation has been mapped by certain surveys in certain years; altering the
10 conditions on which a previously delineated SAV protection zone may be opened to
11 the use of certain gear; authorizing, rather than requiring, the Department to utilize
12 certain buoys or landmarks to mark SAV protection zones; requiring the Department
13 to provide certain maps on the Department’s website; prohibiting a person from
14 using certain gear within a certain distance of an SAV protection zone; requiring the
15 Department to conduct a certain study and submit a certain report to certain
16 committees of the General Assembly on or before a certain date; making stylistic
17 changes; and generally relating to SAV protection zones and hydraulic clam dredges.

18 BY repealing and reenacting, with amendments,
19 Article – Natural Resources
20 Section 4–221, 4–1001(m), 4–1006.1, and 4–1037(6) and (7)
21 Annotated Code of Maryland
22 (2018 Replacement Volume and 2019 Supplement)

23 BY repealing and reenacting, without amendments,
24 Article – Natural Resources
25 Section 4–1001(a)
26 Annotated Code of Maryland
27 (2018 Replacement Volume and 2019 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
2 Article – Natural Resources
3 Section 4–1037(8)
4 Annotated Code of Maryland
5 (2018 Replacement Volume and 2019 Supplement)

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

8 **Article – Natural Resources**

9 4–221.

10 (a) The authority provided by this section is in addition to any other authority of
11 the Secretary provided by law.

12 (b) (1) Subject to paragraph (2) of this subsection, the Secretary, after
13 consultation with the Tidal Fisheries Advisory Commission and the Sport Fisheries
14 Advisory Commission, may adopt regulations to define and govern the use of:

15 (i) Recreational fishing gear; and

16 (ii) The following types of commercial fishing gear:

17 1. Fish pots;

18 2. Bank traps;

19 3. Fyke nets;

20 4. Hoop nets;

21 5. Finfish trotlines; [and]

22 6. Bowfishing gear; AND

23 **7. HYDRAULIC CLAM DREDGES.**

24 (2) The Department shall consider relevant biological, ecological, and
25 socioeconomic factors before adopting regulations under this subsection.

26 4–1001.

27 (a) In this subtitle the following words have the meanings indicated.

28 (m) **(1)** “Hydraulic clam dredge” means any device used for dredging clams

1 which consists of a manifold through which water is forced under pressure for the purpose
2 of digging clams and working them into the mouth of the dredge where the clams then are
3 brought up to boat level by means of an escalator.

4 (2) "Hydraulic clam dredge" includes the vessel on which the dredge is
5 carried.

6 4-1006.1.

7 (a) (1) In this section the following words have the meanings indicated.

8 (2) "Aerial survey" means the annual aerial survey compiled by the
9 Virginia Institute of Marine Sciences for the annual Bay-wide Submerged Aquatic
10 Vegetation Mapping Program.

11 (3) "SAV protection zone" means an area delineated by the Department for
12 the protection from uprooting and the restoration of submerged aquatic vegetation.

13 (b) (1) [In 2004 and every 3 years thereafter] **EACH YEAR**, the Department
14 shall update the delineations of SAV protection zones [that were completed in 2001].

15 (2) The updated delineations shall include areas where submerged aquatic
16 vegetation has been mapped by aerial surveys during at least 1 of the previous [3] **5** years.

17 (c) (1) Except as provided in paragraph (2) of this subsection, a previously
18 delineated SAV protection zone may be opened to the use of the gear set forth in subsection
19 (f) of this section during an update if:

20 (i) Aerial surveys have not shown any submerged aquatic
21 vegetation in the area during the past [3] **5** years; or

22 (ii) Aerial surveys have shown the density of submerged aquatic
23 vegetation in that area to be less than 10% during each of the past 6 years.

24 (2) The areas in the vicinity of Smith Island, South Marsh Island, and
25 Bloodsworth Island that were closed to hydraulic clam dredging in the 1999 delineation
26 shall be closed to the gear set forth in subsection (f) of this section and may not be reopened.

27 (d) (1) To the extent possible, the Department shall adjust SAV protection
28 zones so that delineations are geographically manageable, utilizing straight lines and
29 existing points of reference.

30 (2) (i) To the extent possible, an adjustment made in accordance with
31 paragraph (1) of this subsection shall result in no net loss or gain of protected area.

32 (ii) To the extent possible, to prevent the net loss or gain of protected
33 area resulting from an adjustment made in accordance with paragraph (1) of this

1 subsection, the adjustment may:

2 1. Exclude small areas of vegetated bottom; or

3 2. Include small areas of unvegetated bottom.

4 (e) The Department:

5 (1) [Shall] **MAY** utilize buoys or other visible landmarks as appropriate to
6 mark SAV protection zones;

7 (2) May make revisions to the delineations of SAV protection zones at any
8 time if determined to be necessary; [and]

9 (3) Shall publish, by public notice, delineations of SAV protection zones and
10 revisions to SAV protection zones; **AND**

11 (4) **SHALL PROVIDE CURRENT MAPS OF THE LOCATIONS OF SAV**
12 **PROTECTION ZONES ON THE DEPARTMENT'S WEBSITE.**

13 (f) A person may not use the following gear [in a] **WITHIN 150 FEET OF AN SAV**
14 protection zone:

15 (1) A hydraulic clam dredge;

16 (2) A traditional bottom dredge; and

17 (3) A shinnecock rake.

18 (g) This section may not be construed to affect the authority of the Department
19 to adopt any additional measures that the Department determines are necessary to protect
20 submerged aquatic vegetation beds in the waters of the State.

21 4-1037.

22 A person may not catch or attempt to catch soft-shell clams with a hydraulic clam
23 dredge or any other gear except hand-held tools, such as shovels and hoes, in the following
24 areas:

25 (6) The Dorchester County waters of the Choptank River and its
26 tributaries, east of a line running from Horn Point to Martin Point and west of a line
27 running from Sharp's Island Light to Hill's Point; Brannock Bay; the Little Choptank River;
28 Tar Bay; the Honga River; all waters east of a line running from the most southerly point
29 of Holland Island to Holland Island Bar Light; all waters east of a line running from
30 Richland Point to Okahanikan Point; and any areas reserved by the Department for
31 production of seed oysters; [and]

1 (7) In the Atlantic Coastal Bays, as defined in § 8–1802 of this article; AND

2 (8) **WITHIN 150 FEET OF AN SAV PROTECTION ZONE.**

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

4 (a) The Department of Natural Resources shall conduct a study to:

5 (1) determine the ecological effects of hydraulic clam dredging, including
6 the direct and indirect effects on submerged aquatic vegetation and aquatic habitat; and

7 (2) identify strategies and make recommendations for reducing the
8 negative ecological effects of hydraulic clam dredging.

9 (b) On or before December 1, 2021, the Department shall submit a final report to
10 the Senate Education, Health, and Environmental Affairs Committee and the House
11 Environment and Transportation Committee, in accordance with § 2–1257 of the State
12 Government Article, on the results of the study required under this section.

13 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
14 1, 2020.