SENATE BILL 203

M2   1lr1340

SB 711/20 – EHE   (PRE–FILED)

By: **Senator Bailey**
Requested: October 29, 2020
Introduced and read first time: January 13, 2021
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1   AN ACT concerning

2   **Aquaculture Lease Applications – Notices, Protests, Meetings, and Conflict**
3   **Resolution**

4   FOR the purpose of altering the property owners that the Department of Natural Resources
5   is required to notify of certain aquaculture lease applications; requiring the
6   Department to work with a certain petitioner and a certain applicant to mitigate
7   certain concerns and to consider conflict resolution between shoreline property
8   owners and aquaculture lease applicants before issuing a lease; altering the
9   circumstances under which the Department must hold a public informational
10   meeting on the issuance of an aquaculture lease; and generally relating to
11   applications for aquaculture leases.

12   BY repealing and reenacting, without amendments,
13   Article – Natural Resources
14   Section 4–11A–09(a)
15   Annotated Code of Maryland
16   (2018 Replacement Volume and 2020 Supplement)

17   BY repealing and reenacting, with amendments,
18   Article – Natural Resources
19   Section 4–11A–09(g)
20   Annotated Code of Maryland
21   (2018 Replacement Volume and 2020 Supplement)

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

24   **Article – Natural Resources**

25   4–11A–09.

1   (a)   A person who wishes to obtain an aquaculture, water column, or submerged
2 land lease shall pay a nonrefundable application fee established by the Department, in
3 consultation with the Aquaculture Coordinating Council, and complete and submit an
4 application to the Department.

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

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

9   (ii)   The Department shall:

10   1.   Advertise   the   application   on   the   website   of   the
11 Department and once a week for 2 weeks in a newspaper published in the county or counties
12 where the proposed lease is to be located;

13   2.   Notify the owners of property **[**directly in front**] LOCATED**
14 **WITHIN 500 FEET** of the proposed activity;

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

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

19   (2)   (i)   Within 30 days of publication of the last advertisement under
20 paragraph (1) of this subsection, any person who has a specific right, duty, privilege, or
21 interest that is different from that held by the general public and may be adversely affected
22 by the proposed lease may file a petition with the Department protesting the issuance of
23 the lease.

24   (ii)   The protest shall be heard in accordance with the requirements
25 of the Administrative Procedure Act under Title 10, Subtitle 2 of the State Government
26 Article.

27   (iii)   **THE DEPARTMENT SHALL:**

28   1.   **WORK WITH THE PETITIONER AND THE APPLICANT TO**
29 **MITIGATE THE CONCERNS RAISED IN THE PETITION; AND**

30   2.   **CONSIDER   CONFLICT   RESOLUTION   BETWEEN**
31 **SHORELINE PROPERTY OWNERS AND LEASE APPLICANTS BEFORE ISSUING THE**
32 **LEASE.**

1   **(IV)**   The Department shall hold a public informational meeting on the
2   issuance of a lease on the request of any person **IF THE DEPARTMENT DETERMINES**
3   **THAT THE PERSON IS RAISING A SIGNIFICANT PUBLIC HEALTH, SAFETY, OR**
4   **WELFARE CONCERN**.

5   **[**(iv)**] (V)**   Immediately after termination of the period prescribed in
6   subparagraph (i) of this paragraph for filing a petition or after a final decision dismissing
7   a protest, the Department shall survey the proposed leased area and issue a lease to the
8   applicant.

9   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
10   1, 2021.