

SENATE BILL 638

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3lr2912

By: **Senator Mautz**

Introduced and read first time: February 6, 2023

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Submerged Aquatic Vegetation Protection Zones – Aerial**
3 **Surveys**

4 FOR the purpose of altering the definition of “aerial survey” for purposes of certain
5 provisions of law relating to submerged aquatic vegetation protection zones to mean
6 an aerial survey compiled by an entity approved by the Department of Natural
7 Resources, rather than a certain aerial survey compiled by the Virginia Institute of
8 Marine Sciences for certain purposes; altering the frequency with which the
9 Department must update the delineations of submerged aquatic vegetation
10 protection zones; and generally relating to submerged aquatic vegetation protection
11 zones.

12 BY repealing and reenacting, with amendments,
13 Article – Natural Resources
14 Section 4–1006.1
15 Annotated Code of Maryland
16 (2018 Replacement Volume and 2022 Supplement)

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

19 **Article – Natural Resources**

20 4–1006.1.

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

22 (2) “Aerial survey” means [the annual] AN aerial survey compiled by [the
23 Virginia Institute of Marine Sciences for the annual Bay–wide Submerged Aquatic
24 Vegetation Mapping Program] AN ENTITY APPROVED BY THE DEPARTMENT.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 (b) (1) [In 2004 and every 3 years] **ON OR BEFORE MARCH 1, 2024, AND**
4 **EACH MARCH 1** thereafter, the Department shall update the delineations of SAV
5 protection zones [that were completed in 2001].

6 (2) The updated delineations shall include areas where submerged aquatic
7 vegetation has been mapped by aerial surveys during at least 1 of the previous 3 years.

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

11 (i) Aerial surveys have not shown any submerged aquatic
12 vegetation in the area during the past 3 years; or

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

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

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

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

23 (ii) To the extent possible, to prevent the net loss or gain of protected
24 area resulting from an adjustment made in accordance with paragraph (1) of this
25 subsection, the adjustment may:

26 1. Exclude small areas of vegetated bottom; or

27 2. Include small areas of unvegetated bottom.

28 (e) The Department:

29 (1) Shall utilize buoys or other visible landmarks as appropriate to mark
30 SAV protection zones;

31 (2) May make revisions to the delineations of SAV protection zones at any
32 time if determined to be necessary; and

1 (3) Shall publish, by public notice, delineations of SAV protection zones and
2 revisions to SAV protection zones.

3 (f) A person may not use the following gear in a SAV protection zone:

4 (1) A hydraulic clam dredge;

5 (2) A traditional bottom dredge; and

6 (3) A shinnecock rake.

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

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2023.