

SENATE BILL 301

M2
HB 841/19 – ENT

(PRE-FILED)

4r0289
CF 4r0290

By: **Chair, Education, Energy, and the Environment Committee (By Request – Departmental – Natural Resources)**

Requested: September 8, 2023

Introduced and read first time: January 10, 2024

Assigned to: Education, Energy, and the Environment

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 3, 2024

CHAPTER _____

1 AN ACT concerning

2 **Aquaculture – Placement of Shellfish, Bags, Nets, and Structures on Submerged**
3 **Aquatic Vegetation – Extension**

4 FOR the purpose of extending the authorization of a leaseholder of certain aquaculture
5 leases to, with prior written approval from the Department of Natural Resources,
6 place shellfish, bags, nets, and structures on submerged aquatic vegetation, subject
7 to certain requirements; and generally relating to aquaculture leases and submerged
8 aquatic vegetation.

9 BY repealing and reenacting, without amendments,
10 Article – Natural Resources
11 Section 4–11A–10(c) and (c–1)
12 Annotated Code of Maryland
13 (2023 Replacement Volume and 2023 Supplement)

14 BY repealing and reenacting, with amendments,
15 Chapter 238 of the Acts of the General Assembly of 2019
16 Section 3

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**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 4-11A-10.

2 (c) A leaseholder may not:

3 (1) Place shellfish, bags, nets, or structures on submerged aquatic
4 vegetation without prior written approval from the Department;

5 (2) Plant or harvest shellfish within 500 yards of any stationary blind or
6 blind site that is occupied and being used for hunting migratory waterfowl;

7 (3) Sublease a lease;

8 (4) Transfer a lease without the approval of the Department;

9 (5) Harvest shellfish between the hours of sunset and sunrise; or

10 (6) Place unlawfully harvested oysters on a lease.

11 (c-1) In approving the placement of shellfish, bags, nets, or structures on
12 submerged aquatic vegetation under subsection (c)(1) of this section, the Department:

13 (1) May not authorize harvesting by dredge in areas where submerged
14 aquatic vegetation is present;

15 (2) Shall authorize for water column leases the placement of shellfish,
16 bags, nets, or structures in at least 10% of the area where submerged aquatic vegetation is
17 present; and

18 (3) Shall authorize harvest by diving in areas on any submerged land lease
19 where submerged aquatic vegetation is present.

20 **Chapter 238 of the Acts of 2019**

21 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June
22 1, 2019. It shall remain effective for a period of [5] 8 years and 1 month and, at the end of
23 June 30, [2024] 2027, this Act, with no further action required by the General Assembly,
24 shall be abrogated and of no further force and effect.

25 SECTION 2. AND BE IT FURTHER ENACTED, That on or before June 1, 2025, and
26 each June 1 for the next 2 years thereafter, the Department of Natural Resources shall
27 report to the Aquaculture Coordinating Council, the Chesapeake Bay Program, and, in
28 accordance with § 2-1257 of the State Government Article, the General Assembly on:

29 (1) the farm-level and cumulative impacts that placing shellfish, bags,
30 nets, or structures on submerged aquatic vegetation with prior written approval from the
31 Department has had on submerged aquatic vegetation and leaseholders;

1 (2) the number of leases that have submerged aquatic vegetation present
2 in the lease area and the species, density, and aerial extent of submerged aquatic
3 vegetation in those leases;

4 (3) the characteristics of gear types and the nature and frequency of
5 aquaculture practices used on leases where submerged aquatic vegetation is present; and

6 (4) any other information the Department considers necessary.

7 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 June 1, 2024.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.