

Chapter 512

(House Bill 807)

AN ACT concerning

Natural Resources – Submerged Aquatic Vegetation Surveys

FOR the purpose of altering the definition of “aerial survey” for purposes of surveying submerged aquatic vegetation to include other surveys that ~~use certain data~~ encompass certain geographic areas and use certain methodologies; requiring the Department of Natural Resources to study and report on the implications and feasibility of using alternative methods other than an aerial survey to delineate SAV protection zones on or before a certain date; and generally relating to submerged aquatic vegetation surveys.

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 4–1006.1 and 4–11A–01(n)

Annotated Code of Maryland

(2023 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, without amendments,

Article – Natural Resources

Section 4–11A–01(a)

Annotated Code of Maryland

(2023 Replacement Volume and 2023 Supplement)

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

Article – Natural Resources

4–1006.1.

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

(2) “SAV PROTECTION ZONE” MEANS AN AREA DELINEATED BY THE DEPARTMENT FOR THE PROTECTION FROM UPROOTING AND THE RESTORATION OF SUBMERGED AQUATIC VEGETATION.

[(2)] (3) [“Aerial] “SAV survey” means [the]:

(1) THE annual ~~aerial~~ SUBMERGED AQUATIC VEGETATION
survey compiled by the Virginia Institute of Marine Sciences for the ~~annual Bay-wide~~

~~Submerged Aquatic Vegetation Mapping Program~~ CHESAPEAKE BAY AND ATLANTIC COASTAL BAYS; AND OR

(II) ANY OTHER SURVEY THAT ~~USES DATA THAT~~:

1. ~~PERTAINS TO~~ ENCOMPASSES THE DISTRIBUTION OF SUBMERGED AQUATIC VEGETATION IN THE STATE; AND IN:

A. THE CHESAPEAKE BAY;

B. THE ATLANTIC COASTAL BAYS; OR

C. THE CHESAPEAKE BAY AND THE ATLANTIC COASTAL BAYS;

2. USES A METHODOLOGY FOR SAV SURVEYS APPROVED BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY'S CHESAPEAKE BAY PROGRAM; AND

~~2.~~ 3. IS APPROVED BY THE DEPARTMENT.

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

(b) (1) In 2004 and every 3 years thereafter, the Department shall update the delineations of SAV protection zones that were completed in 2001.

(2) The updated delineations shall include areas where submerged aquatic vegetation has been mapped ~~OR OBSERVED~~ by [aerial] SAV surveys during at least 1 of the previous 3 years.

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

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

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

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

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

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

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

1. Exclude small areas of vegetated bottom; or
2. Include small areas of unvegetated bottom.

(e) The Department:

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

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

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

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

- (1) A hydraulic clam dredge;
- (2) A traditional bottom dredge; and
- (3) A shinnecock rake.

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

4-11A-01.

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

(n) "SAV Protection Zone" means an area of submerged aquatic vegetation as mapped ~~OR OBSERVED~~ in [aerial surveys by the Virginia Institute of Marine Sciences] **AN SAV SURVEY, AS DEFINED IN § 4-1006.1 OF THIS TITLE**, in 1 or more of the 5 years

preceding the designation of an Aquaculture Enterprise Zone or an application for a lease under this subtitle.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Department of Natural Resources shall study and report on the implications and feasibility of using alternative methods other than an aerial survey to delineate SAV protection zones, as defined in § 4–1006.1 of the Natural Resources Article as enacted by Section 1 of this Act.

(b) The report shall:

(1) analyze the current benefits and drawbacks of using an aerial survey to delineate SAV protection zones;

(2) analyze the implications and feasibility of using alternative methods or technologies for delineating SAV protection zones;

(3) analyze whether alternative methods or technologies may be used more frequently than every 3 years to delineate SAV protection zones; and

(4) analyze the benefits and drawbacks of increasing the look-back period in § 4–1006.1(c) of the Natural Resources Article, as enacted by Section 1 of this Act.

(c) On or before December ~~31, 2024~~ 1, 2025, the Department of Natural Resources shall submit the report, in accordance with § 2–1257 of the State Government Article, to the General Assembly.

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

Approved by the Governor, May 9, 2024.