

HOUSE BILL 377

M1

9lr1423

By: **Delegates Gilchrist, Fraser-Hidalgo, Healey, Lafferty, Lehman, R. Lewis, Love, Moon, and Stewart**

Introduced and read first time: January 30, 2019

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Submerged Aquatic Vegetation Protection Zones –**
3 **Revisions**

4 FOR the purpose of altering the definition of “SAV protection zone”; altering the method
5 for updating areas designated as SAV protection zones; altering the requirements
6 for the areas that must be included in updated designations of SAV protection zones;
7 altering the circumstances under which a previously designated SAV protection zone
8 may be opened to the use of certain gear; repealing certain requirements associated
9 with adjusting SAV protection zones; repealing the authority of the Department of
10 Natural Resources to make certain revisions to the delineations of SAV protection
11 zones; and generally relating to submerged aquatic vegetation protection 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)

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 aerial survey compiled by the
23 Virginia Institute of Marine Sciences for the annual Bay-wide Submerged Aquatic
24 Vegetation Mapping Program.

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
2 for the protection from uprooting and the restoration of submerged aquatic vegetation] **OF**
3 **SUBMERGED AQUATIC VEGETATION WITH A DENSITY GREATER THAN 10% IN AT**
4 **LEAST 1 OF THE PREVIOUS 5 YEARS AS MAPPED IN AERIAL SURVEYS BY THE**
5 **VIRGINIA INSTITUTE OF MARINE SCIENCES.**

6 (b) (1) In [2004] **2020** and [every 3 years] **EACH YEAR** thereafter, the
7 Department shall update the [delineations] **DESIGNATIONS** of SAV protection zones [that
8 were completed in 2001] **BASED ON THE FIVE MOST RECENT AERIAL SURVEYS MAPPED**
9 **BY THE VIRGINIA INSTITUTE OF MARINE SCIENCES.**

10 (2) The updated [delineations] **DESIGNATIONS** shall include areas where
11 submerged aquatic vegetation **WITH A DENSITY GREATER THAN 10%** has been mapped
12 by aerial surveys during at least 1 of the previous [3] **5** years.

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

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

18 (ii) Aerial] **AERIAL** surveys have shown the density of submerged
19 aquatic vegetation in that area to be **EQUAL TO OR** less than 10% during each of the past
20 **[6] 5** years.

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

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

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

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

- 33 1. Exclude small areas of vegetated bottom; or

