

SENATE BILL 711

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By: **Senator Bailey**

Introduced and read first time: February 3, 2020

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Aquaculture – Water Column Leases – Conflict Resolution**

3 FOR the purpose of requiring the Department of Natural Resources to consider conflict
4 resolution between shoreline property owners and water column aquaculture lease
5 applicants before issuing the lease; and generally relating to conflict resolution in
6 the approval process for water column aquaculture leases.

7 BY repealing and reenacting, with amendments,
8 Article – Natural Resources
9 Section 4–11A–08
10 Annotated Code of Maryland
11 (2018 Replacement Volume and 2019 Supplement)

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

14 **Article – Natural Resources**

15 4–11A–08.

16 (a) This section applies to a water column lease in the waters of the State.

17 (b) The Department may issue to a person a water column lease in waters of the
18 State after the Department of the Environment classifies the waters as:

19 (1) Approved, conditionally approved, or restricted for harvest; or

20 (2) Prohibited, provided that the lease is used exclusively for the planting
21 and gathering of seed for aquaculture and the leaseholder complies with the requirements
22 of the National Shellfish Sanitation Program as implemented by the Department.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (c) (1) A water column lease may not be located:

2 (i) Within a minimum of 50 feet of shoreline or any pier without the
3 written permission of the riparian owner at the time of initial application for the lease;

4 (ii) Within 150 feet of the public shellfish fishery or a registered
5 pound net site;

6 (iii) Within 150 feet of an oyster reserve or any Yates Bar located in
7 an oyster sanctuary;

8 (iv) Except as provided in paragraph ~~[(3)] (4)~~ of this subsection,
9 within 150 feet of a federal navigational channel;

10 (v) Subject to paragraph ~~[(2)] (3)~~ of this subsection, in any creek,
11 cove, bay, or inlet less than 300 feet wide at its mouth at mean low tide;

12 (vi) In an SAV Protection Zone; or

13 (vii) In a setback or buffer from the Assateague Island National
14 Seashore established by the Department.

15 (2) **IN APPROVING A WATER COLUMN LEASE, THE DEPARTMENT**
16 **SHALL CONSIDER CONFLICT RESOLUTION BETWEEN SHORELINE PROPERTY**
17 **OWNERS AND LEASE APPLICANTS BEFORE ISSUING THE LEASE.**

18 **(3)** The provisions of paragraph (1)(v) of this subsection do not apply to the
19 riparian owner or a lawful occupant of the riparian property.

20 ~~[(3)] (4)~~ A water column lease of a riparian owner or a lawful occupant of
21 the riparian property may be located in Herring Creek in St. Mary's County.

22 (d) A person with a water column lease in the waters of the State may cultivate
23 shellfish:

24 (1) Subject to approval by the United States Army Corps of Engineers, on
25 or under the surface of the water in a floating structure; or

26 (2) In any other manner authorized by the Department.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
28 1, 2020.