

SENATE BILL 950

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0lr3145
CF HB 1059

By: **Senator Pinsky**

Introduced and read first time: February 3, 2020

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Aquaculture Lease Applications – Notice, Protests, and Meetings – Alterations**

3 FOR the purpose of altering the persons that the Department of Natural Resources is
4 required to notify of applications for certain aquaculture leases to be issued in the
5 Chesapeake Bay or the Atlantic Coastal Bays; requiring the Department to work
6 with both a person that files a certain protest petition related to a proposed
7 aquaculture lease and the applicant for the aquaculture lease to mitigate the
8 concerns raised in the petition; establishing conditions under which the Department
9 is required to hold a certain public informational meeting on the issuance of an
10 aquaculture lease; and generally relating to applications for aquaculture leases.

11 BY repealing and reenacting, without amendments,
12 Article – Natural Resources
13 Section 4–11A–09(a)
14 Annotated Code of Maryland
15 (2018 Replacement Volume and 2019 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Natural Resources
18 Section 4–11A–09(g)
19 Annotated Code of Maryland
20 (2018 Replacement Volume and 2019 Supplement)

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

23 **Article – Natural Resources**

24 4–11A–09.

25 (a) A person who wishes to obtain an aquaculture, water column, or submerged

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



land lease shall pay a nonrefundable application fee established by the Department, in consultation with the Aquaculture Coordinating Council, and complete and submit an application to the Department.

(g) (1) If an application for a submerged land or water column lease in the Chesapeake Bay or in the Atlantic Coastal Bays meets the requirements of this subtitle:

(i) The applicant for the lease shall mark the proposed area with a stake; and

(ii) The Department shall:

1. Advertise the application on the website of the Department and once a week for 2 weeks in a newspaper published in the county or counties where the proposed lease is to be located;

2. Notify the owners of property [directly in front] **LOCATED WITHIN 500 FEET** of the proposed activity;

3. Notify each Chair of an Oyster Committee in the county in which the proposed activity is located; and

4. Notify other interested parties that the Department deems appropriate.

(2) (i) **1. A.** Within 30 days of publication of the last advertisement under paragraph (1) of this subsection, any person who has a specific right, duty, privilege, or interest that is different from that held by the general public and may be adversely affected by the proposed lease may file a petition with the Department protesting the issuance of the lease.

[(ii)] **B.** The protest shall be heard in accordance with the requirements of the Administrative Procedure Act under Title 10, Subtitle 2 of the State Government Article.

C. THE DEPARTMENT SHALL WORK WITH THE PETITIONER AND THE APPLICANT TO MITIGATE THE CONCERNS RAISED IN THE PETITION.

[(iii)] The Department shall hold a public informational meeting on the issuance of a lease on the request of any person.

(iv)] **2.** Immediately after termination of the period prescribed in [subparagraph (i)] **SUBSUBPARAGRAPH 1** of this [paragraph] **SUBPARAGRAPH** for filing a petition or after a final decision dismissing a protest, the Department shall survey the proposed leased area and issue a lease to the applicant.

1 **(II) THE DEPARTMENT SHALL HOLD A PUBLIC INFORMATIONAL**
2 **MEETING ON THE ISSUANCE OF A LEASE ON THE REQUEST OF ANY PERSON IF THE**
3 **DEPARTMENT DETERMINES THAT THE PERSON IS RAISING A SIGNIFICANT PUBLIC**
4 **HEALTH, SAFETY, OR WELFARE CONCERN.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2020.