



# Coastal Zone Management Program - Living Aquatic Resources Policies Checklist

Name of Project:

## 5.2 COASTAL RESOURCES

### 5.2.6 Living Aquatic Resources

**Living Aquatic Resources Policy 1 – Protection of Rare, Threatened or Endangered Fish or Wildlife.**

Unless authorized by an Incidental Take Permit, no one may take a State listed endangered or threatened species of fish or wildlife. DNR (A4) Md. Code Ann., Nat. Res. §§ 4-2A-01 to -09; Md. Code Ann., Nat. Res. §§ 10-2A-01 to -09.

Select appropriate response:

- Project will be consistent with policy Protecting Rare, Threatened or Endangered Fish or Wildlife.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

**Living Aquatic Resources Policy 2 – Sustainable Harvesting of Fisheries.** Fisheries shall be sustainably harvested. DNR (A4) Md. Code Ann., Nat. Res. § 4-215.

Select appropriate response:

- Project will be consistent with Sustainable Harvesting of Fisheries policy.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:



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#### Living Aquatic Resources Policy 3 – Protection of State Fishery Sanctuaries & Management

**Resources.** Any land or water resource acquired by the State to protect, propagate, or manage fish shall not be damaged. DNR (A4) Md. Code Ann., Nat. Res. § 4-410. **Select appropriate response:**

- Project will be consistent with policy Protecting State Fishery Sanctuaries & Fishery Management Resources.
- Not Applicable.

**Describe situation and/or actions to make project or activity consistent with the above policy:**

**Living Aquatic Resources Policy 4 – Fish Passage.** No activity will be permitted that impedes or prevents the free passage of any finfish, migratory or resident, up or down stream. DNR (A4) Md. Code Ann., Nat. Res. § 4-501 to -502.

**Select appropriate response:**

- Project will be consistent with Fish Passage policy.
- Not Applicable.

**Describe situation and/or actions to make project or activity consistent with the above policy:**

#### Living Aquatic Resources Policy 5 – Time-of-Year Restrictions for Construction in Non-Tidal

**Waters.** All in-stream construction in non-tidal waters is prohibited from October through April, inclusive, for natural trout waters and from March through May, inclusive, for recreational trout waters. In addition, the construction of proposed projects, which may adversely affect anadromous fish spawning areas, shall be prohibited in non-tidal waters from March 15 through June 15, inclusive. MDE (C2) COMAR 26.17.04.11B(5).

**Select appropriate response:**

- Project will be consistent with policy regarding Time-of-Year Restrictions for Construction in Non-Tidal Waters.
- Not Applicable.

**Describe situation and/or actions to make project or activity consistent with the above policy:**



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**Living Aquatic Resources Policy 6 – Protection of Forest Buffers Along Trout Streams.** Riparian forest buffers adjacent to waters that are suitable for the growth and propagation of self-sustaining trout populations shall be retained whenever possible. MDE (C5) COMAR 26.08.02.03-3F.

Select appropriate response:

- Project will be consistent with policy Protecting Forest Buffers Along Trout Streams.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

**Living Aquatic Resources Policy 7 –Non-Tidal Habitat Protection & Mitigation.** Projects in or adjacent to non-tidal waters shall not adversely affect aquatic or terrestrial habitat unless there is no reasonable alternative and mitigation is provided. MDE (C2) COMAR 26.17.04.11B(5).

Select appropriate response:

- Project will be consistent with policy regarding Non-Tidal Habitat Protection & Mitigation.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:



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**Living Aquatic Resources Policy 8 – Protection & Management of Submerged Aquatic Vegetation (SAV).** The harvest, cutting, or other removal or eradication of submerged aquatic vegetation may only occur in a strip up to 60 feet wide surrounding a pier, dock, ramp, utility crossing, or boat slip to point of ingress in a marina, otherwise the activity must receive the approval of the Department of Natural Resources. No chemical may be used for this purpose, and the timing and method of the activity shall minimize the adverse impact on water quality and on the growth and proliferation of fish and aquatic grasses. MDE (A4) Md. Code Ann., Nat. Res. § 4-213.

Select appropriate response:

- Project will be consistent with policy regarding Protection & Management of Submerged Aquatic Vegetation (SAV).
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

**Living Aquatic Resources Policy 9 – Protection of Natural Oyster Bars.** Natural oyster bars in the Chesapeake Bay shall not be destroyed, damaged, or injured. DNR (A4) Md. Code Ann., Nat. Res. § 4-1118.1.

Select appropriate response:

- Project will be consistent with policy Protecting Natural Oyster Bars.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:



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**Living Aquatic Resources Policy 10 – Protection of Oyster Aquaculture Leases.** A person, other than the leaseholder, may not willfully and without authority catch oysters on any aquaculture or submerged land lease area, or willfully destroy or transfer oysters on this land in any manner. DNR (A4) Md. Code Ann., Nat. Res. § 4-11A-16(a).

Select appropriate response:

- Project will be consistent with policy Protecting Oyster Aquaculture Leases.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

**Living Aquatic Resources Policy 11 – Genetically Modified Organisms (GMOs) Are Prohibited in State Waters.** An organism into which genetic material from another organism has been experimentally transferred so that the host acquires the genetic traits of the transferred genes may not be introduced into State waters. DNR (A4) COMAR 08.02.19.03.

Select appropriate response:

- Project will be consistent with policy Controlling Nonnative Aquatic Organisms.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

**Living Aquatic Resources Policy 12 – Control of Nonnative Aquatic Organisms.** Vectors for the introduction of nonnative aquatic organisms must be appropriately controlled to prevent adverse impacts on aquatic ecosystems. DNR (A4) Md. Code Ann., Nat. Res. § 4-205.1.

Select appropriate response:

- Project will be consistent with policy Controlling Nonnative Aquatic Organisms in State Waters.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:



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**Living Aquatic Resources Policy 13 – Control of Snakehead Fish.** Except as authorized by federal law, any live snakehead fish or viable eggs of snakehead fish of the Family Channidae may not be imported, transported, or introduced into the State. DNR (A4) COMAR 08.02.19.06.

**Select appropriate response:**

- Project will be consistent with policy Controlling Snakehead Fish.
- Not Applicable.

**Describe situation and/or actions to make project or activity consistent with the above policy:**

**Living Aquatic Resources Policy 14 – Nonnative Oysters Prohibited in State Waters.** Nonnative oysters may not be introduced into State waters. DNR (A4) Md. Code Ann., Nat. Res. § 4-1008.

**Select appropriate response:**

- Project will be consistent with policy Prohibiting Nonnative Oysters in State Waters.
- Not Applicable.

**Describe situation and/or actions to make project or activity consistent with the above policy:**