

Article - Natural Resources

§4-11A-08.

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

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

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

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

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

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

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

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

(iv) Except as provided in paragraph (3) of this subsection, within 150 feet of a federal navigational channel;

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

(vi) In an SAV Protection Zone; or

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

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

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

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

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

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