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DNR-FS-2023-08

SMALL BUSINESS COMPLIANCE GUIDE

Amendment to Subtitle 02 Fisheries Service

Regarding the Department's Regulations for Submerged Aquatic Vegetation Protection Zones

COMAR 08.02.01.12

Released April 28, 2023

Updated July 31, 2023

Updated October 6, 2023

Updated December 1, 2023

This Guide is prepared in accordance with the requirements of State Government Article, §10-110, Annotated Code of Maryland. It is intended to help small businesses comply with the revised rules adopted in the above-referenced sections of the Code of Maryland Regulations. This Guide is not intended to replace or supersede these rules, but to facilitate compliance with the rules. Although we have attempted to cover all parts of the rules that might be especially important to small businesses, the coverage may not be exhaustive. This Guide cannot anticipate all situations in which the rules apply.

The Department will clarify or update the text of the Guide as an idea moves through the regulatory process. Direct your comments and recommendations, or calls for further assistance, to Fishing and Boating Services Regulatory Division:

410-260-8300

410-260-8DNR; toll free in Maryland 877-620-8DNR; TTY Users Call via the Maryland Relay

I. SUMMARY & FAQs

What has been proposed?

The Department proposed to revise the Submerged Aquatic Vegetation Protection Zones. Zones are being revised using data from an annual aerial survey compiled by the Virginia Institute of Marine Sciences (VIMS). The following table lists the general areas being changed. Please see the maps for a better idea of where the changes are located.

AREAS BEING REMOVED FROM SAV ZONE DESIGNATION		
COUNTY	AREA	MAP
Anne Arundel	Herring Bay	Anne Arundel Map
Calvert	Broomes Island	Calvert Map #1
	Solomons Island	Calvert Map #2
Dorchester	Trippe Bay, Armstrong Bay, Todds Bay	Dorchester Map #1
	Bloodsworth Island	Dorchester Map #2
Kent	North of Eastern Neck Island	Kent Map
Queen Anne's	Crab Alley Bay and Wye River	Queen Anne's Map
Somerset	Deal Island and Manokin River	Somerset Map #2
	Big Annamessex River	Somerset Map #3
	Daugherty Creek and Pocomoke Sound	Somerset Map #4
St. Mary's	Smith Creek and Webster Field Annex	St. Mary's Map #2
	Potomac River (near Lake Conoy)	St. Mary's Map #3
Talbot	Miles River and Eastern Bay	Talbot Map #1
	Tilghman Island, Black Walnut Cove, and Harris Creek	Talbot Map #2
Worcester	Sinepuxent Bay	Worcester Map #1
	Sinepuxent Bay and Chincoteague Bay	Worcester Map #2
	Chincoteague Bay and Rowley Cove/Tizzard Island	Worcester Map #3

AREAS BEING ADDED TO SAV ZONE DESIGNATION		
COUNTY	AREA	MAP
Anne Arundel	Herring Bay	Anne Arundel Map
Calvert	Broomes Island	Calvert Map #1
Kent	North of Eastern Neck Island	Kent Map
Queen Anne's	Crab Alley Bay and Prospect Bay	Queen Anne's Map
Somerset	Dames Quarter Marsh	Somerset Map #2
	Big Annessex River	Somerset Map #3
St. Mary's	Potomac River (downstream of Breton Bay)	St. Mary's Map #1
	Potomac River (near St. George Island), Smith Creek, and Webster Field Annex	St. Mary's Map #2
Talbot	Shaw Bay	Talbot Map #1
	Tilghman Island	Talbot Map #2
Worcester	Sinepuxent Bay	Worcester Map #1
	Sinepuxent Bay and Chincoteague Bay	Worcester Map #2
	Chincoteague Bay, Rowley Cove/Tizzard Island, and Mills Island	Worcester Map #3

Why is this change necessary?

Natural Resources Article, §4-1006.1, Annotated Code of Maryland requires the Department to create and update submerged aquatic vegetation protection zones every three years using data from the annual aerial survey compiled by the Virginia Institute of Marine Sciences (VIMS) for the annual Bay-wide Submerged Aquatic Vegetation Mapping Program.

Who will this affect?

Individuals who utilize hydraulic clam dredges, bottom dredges, or shinnecock rakes in any of the affected areas.

What do you need to do to comply with the change?

Individuals harvesting clams with a hydraulic clam dredge will have to stay out of the new or expanded SAV protection zones.

Has this change been discussed with advisory commissions?

This idea was also discussed with the Tidal Fisheries Advisory Commission at their April 2023 meeting.

What are the specific regulatory actions?

Amend Regulation .12 under COMAR 08.02.01 General.

II. DEFINITIONS

“Hydraulic Clam Dredge” is any device used for dredging clams which consists of a manifold through which water is forced under pressure for the purpose of digging clams and working them into the mouth of the dredge where the clams then are brought up to boat level by means of an escalator. "Hydraulic clam dredge" includes the vessel on which the dredge is carried.

“Submerged Aquatic Vegetation (SAV)” is a variety of grasses that grow to the surface of, but do not emerge from, shallow water.

“Submerged Aquatic Vegetation Protection Zone” is an area delineated by the Department for the protection from uprooting and the restoration of submerged aquatic vegetation.

III. RECORDKEEPING AND REPORTING REQUIREMENTS

This proposal alone will not create any new recordkeeping or reporting requirements.

IV. IMPLEMENTATION DATE

This regulation change is effective December 11, 2023.

V. INTERNET LINKS & ADDITIONAL RESOURCES

- [Natural Resources Article, §4-1001, Annotated Code of Maryland](#)
- [Natural Resources Article, §4-1006.1, Annotated Code of Maryland](#)
- [COMAR 08.02.01.12](#)