

CONDITION OF THE AREA IN QUESTION AT ANY TIME WITHIN THE 5-YEAR PERIOD SHALL BE CONSIDERED IN DETERMINING WHETHER OR NOT THE AREA IS A NATURAL OYSTER BAR.

{+} (H) "TONG" MEANS ANY PINNERS, NIPPERS, TONGS, OR SIMILAR DEVICE OPERATED ENTIRELY BY HAND AND CONSISTING OF 2 SHAFTS OR HANDLES AND A METAL BODY COMPOSED OF 2 OPPOSABLE AND COMPLIMENTARY BASKETS USED IN CATCHING OYSTERS AND CLAMS.

4-11A-02.

(A) (1) THE DEPARTMENT SHALL PROMULGATE BY REGULATION REQUIREMENTS THAT ARE NECESSARY TO ENSURE THAT AQUACULTURE OPERATIONS DO NOT ADVERSELY IMPACT WILD STOCKS OF FISH, INCLUDING MEASURES FOR IDENTIFYING FISH AS PRODUCTS OF AN AQUACULTURE OPERATION. IN DEVELOPING THESE REGULATIONS, THE DEPARTMENT SHALL CONSULT AND--COOPERATE WITH THE AQUACULTURE POLICY ADVISORY COMMITTEE AS PROVIDED IN § 10-1302 OF THE AGRICULTURE ARTICLE AND INCORPORATE IN THE REGULATIONS PUBLIC NOTICE PROVISIONS IN ACCORDANCE WITH § 4-11A-06 OF THIS SUBTITLE.

(2) THE DEPARTMENT MAY NOT ISSUE A PERMIT FOR THE RAISING OF NONNATIVE SPECIES, INCLUDING HYBRIDS OF STRIPED BASS, OR NONNATIVE STOCKS UNLESS:

(I) THE PERMIT LIMITS THE AQUACULTURE OPERATION TO NONTIDAL PONDS, LAKES, OR IMPOUNDMENTS; AND

(II) THE AQUACULTURE OPERATION IS CONSTRUCTED IN A MANNER THAT ASSURES THAT NONNATIVE STOCKS ARE PRECLUDED FROM ENTERING THE TIDAL WATERS OR CONTAMINATING THE NATIVE SPECIES OF THE STATE.

(B) A PERSON MAY NOT ENGAGE IN AQUACULTURE UNLESS THE PERSON HAS OBTAINED A PERMIT FROM THE DEPARTMENT. THE PERMIT SHALL BE CONDITIONED UPON THE PERSON COMPLYING WITH THE REGULATIONS PROMULGATED UNDER SUBSECTION (A) OF THIS SECTION.

(C) A PERMITTEE UNDER THIS SECTION SHALL ALLOW THE DEPARTMENT TO INSPECT AT REASONABLE HOURS ANY FACILITIES, EQUIPMENT, OR FISH INVOLVED IN THE PERMITTEE'S AQUACULTURE OPERATIONS.

(D) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, ALL PROVISIONS OF THIS TITLE AND REGULATIONS ADOPTED UNDER THIS TITLE APPLICABLE TO THE TAKING, POSSESSION, SALE, AND TRANSPORT OF FISH APPLY TO FISH THAT ARE IN OR FROM AQUACULTURE OPERATIONS.

4-11A-03. RESERVED.

{A}--THE--DEPARTMENT--SHALL--ADOPT--RULES--AND--REGULATIONS--TO DESIGNATE--STATE--WATERS--AND--SUBMERGED--LANDS--AS--AQUACULTURE ENTERPRISE--ZONES--AND--ADOPT--SUCH--REGULATIONS--AND--RULES--NECESSARY