

TO GOVERN ACTIVITIES IN AQUACULTURE ENTERPRISE ZONES, IN DEVELOPING THESE REGULATIONS, THE DEPARTMENT SHALL CONSULT AND COOPERATE WITH THE AQUACULTURE POLICY COMMITTEE AS PROVIDED IN § 10-1302 OF THE AGRICULTURE ARTICLE.

(b) WATERS OF THE STATE AND SUBMERGED LANDS BENEATH THE WATERS OF THE STATE MAY NOT BE DESIGNATED AS AQUACULTURE ENTERPRISE ZONES UNLESS THE DEPARTMENT DEMONSTRATES THAT DESIGNATING AN AREA AS AN AQUACULTURE ENTERPRISE ZONE WILL NOT HAVE A SIGNIFICANT ADVERSE IMPACT ON AQUATIC LIFE IN THE AREA OR THE USE OF THE AREA FOR THE COMMERCIAL AND RECREATIONAL HARVEST OF FISH OR SHELLFISH.

(c) BEFORE AN AREA CAN BE DESIGNATED AS AN AQUACULTURE ENTERPRISE ZONE WITHIN THE JURISDICTIONAL BOUNDARIES OF A COUNTY THE DEPARTMENT SHALL ADVERTISE ITS DECISION ONCE A WEEK FOR 4 SUCCESSIVE WEEKS IN A NEWSPAPER PUBLISHED IN THE COUNTY. IF THE AQUACULTURE ENTERPRISE ZONE IS OUTSIDE THE JURISDICTIONAL BOUNDARIES OF THE COUNTIES THEN THE DEPARTMENT SHALL ADVERTISE ITS DECISION ONCE A WEEK FOR 4 SUCCESSIVE WEEKS IN A NEWSPAPER PUBLISHED IN ALL COUNTIES WHICH BORDER TIDAL WATERS.

(d) WITHIN 30 DAYS OF PUBLICATION OF THE LAST ADVERTISEMENT UNDER SUBSECTION (c) OF THIS SECTION, ANY PERSON WHOSE RIGHTS, STATUTORY ENTITLEMENTS, OR PRIVILEGES MAY BE AFFECTED ADVERSELY BY THE DEPARTMENT'S DECISION MAY FILE A PETITION WITH THE DEPARTMENT PROTESTING THE ISSUANCE OF THE LEASE.

(e) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE OR REGULATION PROMULGATED THEREUNDER, THE DEPARTMENT MAY LEASE IN THE NAME OF THE STATE, TRACTS OR PARCELS OF LAND INSIDE OF AQUACULTURE ENTERPRISE ZONES TO RESIDENTS OF THE STATE FOR USE IN ANY AQUACULTURE ACTIVITY APPROVED BY THE DEPARTMENT. THE DEPARTMENT MAY ASSIGN EXCLUSIVE USE OF THE WATERS ABOVE THE LEASED LAND TO THE LEASEHOLDER INSIDE AN AQUACULTURE ENTERPRISE ZONE IF THE DEPARTMENT BELIEVES THAT SUCH ASSIGNMENT IS NECESSARY FOR OPERATION OF THE AQUACULTURE VENTURE.

(f) IN DORCHESTER, KENT, QUEEN ANNE'S, SOMERSET, AND TALBOT COUNTIES THE TOTAL AREA DESIGNATED AS AQUACULTURE ENTERPRISE ZONES BY THE DEPARTMENT WITHIN A COUNTY SHALL NOT EXCEED 25 PERCENT OF THE TOTAL AREA CHARTED AS NATURAL OYSTER BAR WITHIN THE JURISDICTIONAL BOUNDARIES OF THE COUNTY. IN CHARLES COUNTY THE TOTAL AREA DESIGNATED AS AQUACULTURE ENTERPRISE ZONES BY THE DEPARTMENT, EXCEPT IN THE PATUXENT RIVER, WILL NOT EXCEED 25 PERCENT OF THE TOTAL AREA CHARTED AS NATURAL OYSTER BAR INSIDE THE TRIBUTARIES OF THE POTOMAC RIVER WITHIN THE JURISDICTIONAL BOUNDARIES OF THE COUNTY. THE DEPARTMENT WILL CALCULATE THE TOTAL AREA OF NATURAL OYSTER BARS PRESENT USING THE BAY BOTTOM RESURVEY OF 1975 AND 1984 AMENDMENT TO THE CHARTS OF THE OYSTER SURVEY OF 1906 TO 1912.