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§4-1006.1.

(a) (1) In this section the following words have the meanings indicated.

(2) “Aerial survey” means the annual aerial survey compiled by the Virginia Institute of Marine Sciences for the annual bay-wide Submerged Aquatic Vegetation Mapping Program.

(3) “SAV protection zone” means an area delineated by the Department for the protection from uprooting and the restoration of submerged aquatic vegetation.

(b) (1) In 2004 and every 3 years thereafter, the Department shall update the delineations of SAV protection zones that were completed in 2001.

(2) The updated delineations shall include areas where submerged aquatic vegetation has been mapped by aerial surveys during at least 1 of the previous 3 years.

(c) (1) Except as provided in paragraph (2) of this subsection, a previously delineated SAV protection zone may be opened to the use of the gear set forth in subsection (f) of this section during an update if:

(i) Aerial surveys have not shown any submerged aquatic vegetation in the area during the past 3 years; or

(ii) Aerial surveys have shown the density of submerged aquatic vegetation in that area to be less than 10% during each of the past 6 years.

(2) The areas in the vicinity of Smith Island, South Marsh Island, and Bloodsworth Island that were closed to hydraulic clam dredging in the 1999 delineation shall be closed to the gear set forth in subsection (f) of this section and may not be reopened.

(d) (1) To the extent possible, the Department shall adjust SAV protection zones so that delineations are geographically manageable, utilizing straight lines and existing points of reference.

(2) (i) To the extent possible, an adjustment made in accordance with paragraph (1) of this subsection shall result in no net loss or gain of protected area.

(ii) To the extent possible, to prevent the net loss or gain of protected area resulting from an adjustment made in accordance with paragraph (1) of this subsection, the adjustment may:

1. Exclude small areas of vegetated bottom; or

2. Include small areas of unvegetated bottom.

(e) The Department:

(1) Shall utilize buoys or other visible landmarks as appropriate to mark SAV protection zones;

(2) May make revisions to the delineations of SAV protection zones at any time if determined to be necessary; and

(3) Shall publish, by public notice, delineations of SAV protection zones and revisions to SAV protection zones.

(f) A person may not use the following gear in a SAV protection zone:

(1) A hydraulic clam dredge;

(2) A traditional bottom dredge; and

(3) A shinnecock rake.

(g) This section may not be construed to affect the authority of the Department to adopt any additional measures that the Department determines are necessary to protect submerged aquatic vegetation beds in the waters of the State.

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