

SB0301_DNR_SUP_EEE_1-23-24.pdf

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Position: FAV



Wes Moore, Governor
Aruna Miller, Lt. Governor
Josh Kurtz, Secretary
David Goshorn, Deputy Secretary

January 23, 2024

BILL NUMBER: Senate Bill 301 – First Reader

SHORT TITLE: Aquaculture - Placement of Shellfish, Bags, Nets, and Structures on Submerged Aquatic Vegetation - Extension

DEPARTMENT’S POSITION: SUPPORT

EXPLANATION OF DEPARTMENT’S POSITION

The agency has only had three leases that were granted under this law. Three water column leases were granted authorization to place gear covering 10% of the impacted area without requesting it, which is the agency’s standard practice under this law. (4-11A-10(c-1)(2)) "Shall authorize for water column leases the placement of shellfish, bags, nets, or structures in at least 10% of the area where submerged aquatic vegetation is present"). The 1 lease of the 3 from 2022 was the first, since the original law, to have requested more than the "at least 10%". This means this is the first time the agency has had the opportunity to see the impacts of authorizing more than the "at least 10%" – and the Department would like to opportunity to fully examine the impact prior to the sunset extension.

The agency would like to study this further to determine the best course of action. The agency has an MOU with University of Maryland Center for Environmental Science to study this.

BACKGROUND INFORMATION

The provision was originally passed under Chapter 238 (2019).

BILL EXPLANATION

This bill would change the sunset from Chapter 238 (2019) of Maryland law. The sunset is currently June 30, 2024. That chapter added provisions under Natural Resources Article, Section 4-11A-10, which included providing the department with the authority to grant permission to the holder of a shellfish aquaculture lease, where their aquaculture activities do not harm SAV, to continue planting and harvesting shellfish within the area of their lease where SAV exists. The bill would amend that to June 30, 2027.

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SB 301 - CBF - FWA.pdf

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Position: FWA



CHESAPEAKE BAY FOUNDATION

Environmental Protection and Restoration
Environmental Education

Senate Bill 301

Aquaculture - Placement of Shellfish, Bags, Nets, and Structures on Submerged Aquatic Vegetation -
Extension

Date: January 23, 2024

To: Education, Energy, & Environment Committee

Position:

From:

Favorable with Amendment

Allison Colden

MD Executive Director

Chesapeake Bay Foundation (CBF) **SUPPORTS** Senate Bill 301 **WITH AMENDMENTS**. SB 301 would extend the sunset on a 2019 provision that allowed for the placement of oyster aquaculture equipment on underwater grasses that have encroached on an aquaculture lease after its issuance.

Recent gains in submerged aquatic vegetation (SAV) cover have been among the few positive signs of Chesapeake Bay recovery tied to Maryland's efforts to reduce nutrient and sediment pollution. SAV beds respond to long-term improvements in water clarity and are an excellent indicator of the bay's health. More than 37,000 acres of SAV were recorded in Maryland waters in 2022.

Maryland's oyster aquaculture industry has also been growing in recent years, from less than 10,000 bushels harvested in 2010 to more than 94,000 bushels harvested in 2022. In many places, oyster aquaculture leases co-occur in areas that are conducive to SAV growth and as water quality conditions have improved, the number of leases where SAV is encroaching is increasing.

In 2017, DNR convened a workgroup to review the state of the science on SAV and aquaculture conflicts and to provide recommendations. The workgroup identified serious knowledge gaps in our understanding of the nature and magnitude of impacts of various aquaculture practices on SAV.

To facilitate data collection and reasonable use of aquaculture leases in areas where SAV has colonized, HB 841 (2019) provided DNR the authority to allow placement of aquaculture gear on SAV. Importantly, this legislation also included requirements for data collection on the impacts to SAV and oyster farm operations any time such interactions occurred. The measure also included a five-year sunset to allow DNR to evaluate lessons learned and implement any changes necessary.

We urge the Committee to carry forward these data collection requirements in an amendment to SB 301. This will allow the Department to continue to collect this data and partner with academic institutions who are working to develop practices that minimize disturbance to SAV while allowing aquaculture to proceed.

CBF urges the Committee's FAVORABLE report WITH AMENDMENTS on SB 301.

For more information, please contact Matt Stegman, Maryland Staff Attorney, at mstegman@cbf.org.

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The Chesapeake Bay Foundation (CBF) is a non-profit environmental education and advocacy organization dedicated to the restoration and protection of the Chesapeake Bay. With over 200,000 members and e-subscribers, including 71,000 in Maryland alone, CBF works to educate the public and to protect the interest of the Chesapeake and its resources.

Suggested Amendment:

Chapter 238 of the Acts of 2019

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019. It shall remain effective for a period of [5] **8** years and 1 month and, at the end of June 30, [2024] **2027**, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

SECTION 2. AND BE IT FURTHER ENACTED, THAT ON OR BEFORE JUNE 1, 2024, AND EACH JUNE 1 FOR THE NEXT 3 YEARS THEREAFTER, THE DEPARTMENT OF NATURAL RESOURCES SHALL REPORT TO THE AQUACULTURE COORDINATING COUNCIL, THE CHESAPEAKE BAY PROGRAM, AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON:

- (1) THE FARM-LEVEL AND CUMULATIVE IMPACTS THAT PLACING SHELLFISH, BAGS, NETS, OR STRUCTURES ON SUBMERGED AQUATIC VEGETATION WITH PRIOR WRITTEN APPROVAL FROM THE DEPARTMENT HAS HAD ON SUBMERGED AQUATIC VEGETATION AND LEASEHOLDERS;**
- (2) THE NUMBER OF LEASES THAT HAVE SUBMERGED AQUATIC VEGETATION PRESENT IN THE LEASE AREA AND THE SPECIES, DENSITY, AND AERIAL EXTENT OF SUBMERGED AQUATIC VEGETATION IN THOSE LEASES;**
- (3) CHARACTERISTICS OF GEAR TYPES AND THE NATURE AND FREQUENCY OF AQUACULTURE PRACTICES USED ON LEASES WHERE SUBMERGED AQUATIC VEGETATION IS PRESENT; AND**
- (4) ANY OTHER INFORMATION THE DEPARTMENT CONSIDERS NECESSARY.**

SECTION [2] **4.** AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2024.