



# CHESAPEAKE BAY FOUNDATION

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*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

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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](mailto: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.