

SB0301_DNR_SUP_ENT-3-27-24.pdf

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

March 27, 2024

BILL NUMBER: Senate Bill 301 – Third 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 the 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 as amended 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. The bill as amended would also require for the next three years, the agency to report to the General Assembly, the Aquaculture Coordinating Council, and the Chesapeake Bay Program certain information pertaining to leases and SAV.

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SB 301 - CBF - FAV - ENT.pdf

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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: March 27, 2024

Position: **Favorable**

To: House Environment & Transportation Committee

From: Allison Colden

MD Executive Director

Chesapeake Bay Foundation (CBF) **SUPPORTS** Senate Bill 301. 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.

SB 301 carries forward these data collection requirements. 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 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.