

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 920

(Senator Dyson)

Education, Health, and Environmental Affairs

Environmental Matters

Natural Resources - Submerged Land and Water Column Leases - Herring Creek

This emergency bill authorizes specified submerged land and water column leases in Herring Creek in St. Mary's County. The bill applies only to a lease of a riparian owner or of a lawful occupant of a riparian property.

Fiscal Summary

State Effect: Department of Natural Resources (DNR) general fund expenditures may increase minimally to conduct surveys. DNR special fund revenues may increase minimally in FY 2013 and subsequent years due to aquaculture application and lease fees.

Local Effect: The bill is not expected to materially affect local finances.

Small Business Effect: Minimal.

Analysis

Current Law: A submerged land lease and a water column lease may not be located in several areas, including: (1) within a minimum of 50 feet of shoreline or any pier without the written permission of the riparian owner at the time of initial application for the lease; (2) within 150 feet of the public shellfish fishery or a registered pound net site; (3) within 150 feet of an oyster reserve or any Yates Bar located in an oyster sanctuary; (4) within 150 feet of a federal navigational channel; (5) in any creek, cove, bay, or inlet less than 300 feet wide at its mouth at mean low tide, unless it is for a riparian owner or a lawful occupant of the riparian property; or (6) in an submerged aquatic vegetation protection zone.

Background: Since 1994, the Chesapeake Bay's oyster population has languished at 1% of historic levels, suitable oyster habitat has decreased 80%, and the number of harvesters has dwindled. To help reverse this trend, DNR unveiled a new management and restoration plan for oysters and the State's oyster industry in December 2009. The plan increased the State's network of oyster sanctuaries from 9% to 24% of the bay's remaining quality oyster bars, established oyster aquaculture leasing opportunities and related financial assistance programs, and maintained 76% of the bay's remaining quality oyster habitat for a public oyster fishery. Since the 2010 implementation of the plan, 52 new oyster aquaculture leases have been approved on approximately 1,394 acres. An additional 87 lease applications covering 1,356 acres are currently being processed.

DNR advises that the 150-foot setback from federal navigational channels was established with the consent of many user groups and it seeks to (1) protect watermen from maintenance and navigational activities occurring in channels and (2) allow for channel repositioning if required. DNR advises that while it has received a lease application to conduct aquaculture in Herring Creek, approval of the application is not likely due to the location as well as concerns about water quality.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Natural Resources, Department of Legislative Services

Fiscal Note History: First Reader - March 8, 2013
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