

# SENATE BILL 434

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3lr2079

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By: Senator Klausmeier

Introduced and read first time: February 2, 2023

Assigned to: Education, Energy, and the Environment

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## A BILL ENTITLED

1 AN ACT concerning

### 2 **Natural Resources – Restorative Aquaculture Pilot Program**

3 FOR the purpose of requiring the Department of Natural Resources to establish and  
4 implement a Restorative Aquaculture Pilot Program to provide financial incentives  
5 to certain holders of aquaculture leases; authorizing a holder of an aquaculture lease  
6 who is participating in the Pilot Program to meet certain requirements by shellfish  
7 seed planting only; and generally relating to the Restorative Aquaculture Pilot  
8 Program.

9 BY adding to

10 Article – Natural Resources  
11 Section 4-11A-24  
12 Annotated Code of Maryland  
13 (2018 Replacement Volume and 2022 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

15 That the Laws of Maryland read as follows:

### 16 **Article – Natural Resources**

#### 17 **4-11A-24.**

18 (A) IN THIS SECTION, “PILOT PROGRAM” MEANS THE RESTORATIVE  
19 AQUACULTURE PILOT PROGRAM.

20 (B) THE GENERAL ASSEMBLY FINDS THAT, WITH APPROPRIATE SITING,  
21 ACTIVE USE REQUIREMENTS THAT REQUIRE ANNUAL SHELLFISH SEED PLANTINGS,  
22 AND APPROPRIATE HUSBANDRY, SHELLFISH AQUACULTURE IS A RESTORATIVE  
23 ACTIVITY THAT BENEFITS WATER QUALITY, OYSTER PRODUCTIVITY, AND HABITAT.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (c) (1) THE DEPARTMENT SHALL ESTABLISH AND IMPLEMENT A  
2 RESTORATIVE AQUACULTURE PILOT PROGRAM.

5 (I) MAINTAINS THE LEASE, IN WHOLE OR IN PART, IN  
6 ACCORDANCE WITH THE CRITERIA FOR RESTORATIVE AQUACULTURE IDENTIFIED  
7 BY THE DEPARTMENT UNDER SUBSECTION (D) OF THIS SECTION; AND

10 (D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE  
11 DEPARTMENT SHALL IDENTIFY CRITERIA AND METRICS FOR RESTORATIVE  
12 AQUACULTURE THAT TAKE INTO CONSIDERATION:

13 (I) OYSTER DENSITY;

## 14 (II) OYSTER BIOMASS;

### 15 (III) HABITAT COMPLEXITY; AND

16 (iv) ANY OTHER CRITERIA AND METRICS DEVELOPED OR  
17 IDENTIFIED IN COORDINATION WITH THE AQUACULTURE COORDINATING COUNCIL,  
18 THE UNIVERSITY OF MARYLAND CENTER FOR ENVIRONMENTAL SCIENCE, OR  
19 OTHER INTERESTED STAKEHOLDERS.

24 (E) (1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, THE  
25 DEPARTMENT SHALL ESTABLISH ELIGIBILITY REQUIREMENTS AND FINANCIAL  
26 INCENTIVES FOR THE PILOT PROGRAM.

1                   **2. AT A RATE DETERMINED BY THE DEPARTMENT IN**  
2   **CONSULTATION WITH THE AQUACULTURE COORDINATING COUNCIL; OR**

3                   **(II) FOR OYSTERS PURCHASED BY THE DEPARTMENT FOR USE**  
4   **IN OYSTER RESTORATION SANCTUARY PROJECTS.**

5                   **(3) THE DEPARTMENT MAY CONSULT WITH INTERESTED**  
6   **STAKEHOLDERS IN ESTABLISHING THE FINANCIAL INCENTIVES UNDER THIS**  
7   **SUBSECTION.**

8                   **(F) A HOLDER OF AN AQUACULTURE LEASE WHO IS PARTICIPATING IN THE**  
9   **PILOT PROGRAM MAY MEET ANY REQUIREMENTS FOR THE ACTIVE USE OF THE**  
10   **LEASE BY SHELLFISH SEED PLANTING ONLY.**

11                  **(G) (1) ON OR BEFORE OCTOBER 1, 2024, THE DEPARTMENT SHALL**  
12   **ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

13                  **(2) THE REGULATIONS ADOPTED UNDER PARAGRAPH (1) OF THIS**  
14   **SUBSECTION SHALL INCLUDE PROVISIONS FOR THE VERIFICATION OF EXISTING**  
15   **AND IMPROVED CONDITIONS ON AQUACULTURE LEASES THAT ARE PART OF THE**  
16   **PILOT PROGRAM.**

17                  SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18   October 1, 2023. It shall remain effective for a period of 6 years and, at the end of September  
19   30, 2029, this Act, with no further action required by the General Assembly, shall be  
20   abrogated and of no further force and effect.