

# SENATE BILL 428

M2, M4, M1

5lr0359  
CF HB 506

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By: **The President (By Request – Administration) and Senators Brooks, Ellis, Gile, Henson, Hettleman, Kagan, Lam, Love, M. Washington, and West**

Introduced and read first time: January 20, 2025

Assigned to: Education, Energy, and the Environment

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Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 14, 2025

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Chesapeake Bay Legacy Act**

3 FOR the purpose of establishing the Maryland Leaders in Environmentally Engaged  
4 Farming (LEEF) Program; establishing the Maryland Leaders in Environmentally  
5 Engaged Farming (LEEF) Program Fund as a special, nonlapsing fund; altering the  
6 definition of “healthy soils” for purposes of the Maryland Healthy Soils Program;  
7 exempting certain holders of certain fishing licenses from the requirement to obtain  
8 a food establishment license from the Maryland Department of Health; establishing  
9 the Water Quality Monitoring Program; altering provisions of law regarding  
10 fisheries management plans, including the entities required to be consulted,  
11 circumstances under which a plan may be prepared, authorizing rather than  
12 requiring that certain measures be adopted by regulation, and the location of certain  
13 public hearings; altering application and public informational meeting requirements  
14 and authorizations for certain submerged land or water column leases; altering  
15 reporting requirements for the leaseholder of certain aquaculture and submerged  
16 land leases; authorizing the Department of Natural Resources to lease certain land  
17 to a person implementing practices that support healthy soils and regenerative  
18 practices and traditions; establishing a process to develop a plan for permitting and  
19 expediting the permitting of certain projects under the Whole Watershed Restoration  
20 Partnership; requiring the Department of the Environment, by a certain date, to  
21 authorize certain projects to be eligible to generate water quality trading credits and  
22 develop a process for certifying the credits; providing that certain provisions of law  
23 regarding stream and floodplain restoration projects may not be construed to apply

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 to permit or license applications submitted before a certain date; and generally  
2 relating to the Chesapeake and Atlantic Coastal Bays watershed.

3 BY adding to  
4 Article – Agriculture  
5 Section 2–2401 through 2–2405 to be under the new subtitle “Subtitle 24. Maryland  
6 Leaders in Environmentally Engaged Farming (LEEF) Program”  
7 Annotated Code of Maryland  
8 (2016 Replacement Volume and 2024 Supplement)

9 BY repealing and reenacting, with amendments,  
10 Article – Agriculture  
11 Section 2–1901(a) ~~and 8–706~~  
12 Annotated Code of Maryland  
13 (2016 Replacement Volume and 2024 Supplement)

14 BY repealing and reenacting, without amendments,  
15 Article – Health – General  
16 Section 21–305(a)  
17 Annotated Code of Maryland  
18 (2023 Replacement Volume and 2024 Supplement)

19 BY repealing and reenacting, with amendments,  
20 Article – Health – General  
21 Section 21–305(b)  
22 Annotated Code of Maryland  
23 (2023 Replacement Volume and 2024 Supplement)

24 BY adding to  
25 Article – Natural Resources  
26 Section 3–1101 to be under the new subtitle “Subtitle 11. Water Quality Monitoring  
27 Program”; 4–11A–09(h); and 5–2101 and 5–2102 to be under the new subtitle  
28 “Subtitle 21. Agriculture Leases on Department Land”  
29 Annotated Code of Maryland  
30 (2023 Replacement Volume and 2024 Supplement)

31 BY repealing and reenacting, with amendments,  
32 Article – Natural Resources  
33 Section 4–215, 4–11A–09(g), 4–11A–14, and 8–2B–02  
34 Annotated Code of Maryland  
35 (2023 Replacement Volume and 2024 Supplement)

36 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
37 That the Laws of Maryland read as follows:

38 **Article – Agriculture**

1     **SUBTITLE 24. MARYLAND LEADERS IN ENVIRONMENTALLY ENGAGED FARMING**  
2                                   **(LEEF) PROGRAM.**

3     **2-2401.**

4           **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**  
5     **INDICATED.**

6           **(B) “COMMUNITY BEST PRACTICE” MEANS A FARM’S OR FARMER’S**  
7     **DEMONSTRATED ENGAGEMENT WITH MARYLAND COMMUNITIES AS IT RELATES TO:**

8                   **(1) THE PRODUCTION, SALE, OR DISTRIBUTION OF MARYLAND FARM**  
9     **PRODUCTS; OR**

10                   **(2) PROVIDING SERVICE TO AN ORGANIZATION WHOSE FOCUS IS**  
11     **ADVANCING MARYLAND’S AGRICULTURAL INDUSTRY, ENVIRONMENTAL OUTCOMES,**  
12     **CONSERVATION PRACTICES, OR AGRICULTURAL RESEARCH AND EDUCATION.**

13           **(C) “CONSERVATION PRACTICE” MEANS AN AGRICULTURAL PRACTICE**  
14     **THAT:**

15                   **(1) PREVENTS OR TREATS PROBLEMS WITH SOIL, WATER, AIR, PLANT,**  
16     **OR ANIMAL SOURCES OF POLLUTION; AND**

17                   **(2) HAS A STANDARD METHOD OF CONSTRUCTION OR APPLICATION**  
18     **THAT IS DEVELOPED BY THE NATURAL RESOURCES CONSERVATION SERVICE AND**  
19     **LISTED IN THE SERVICE’S MARYLAND FIELD OFFICE TECHNICAL GUIDE.**

20           **(D) (1) “FIXED NATURAL BUFFER” MEANS A STRIP OF MAINTAINED,**  
21     **NATIVE VEGETATION ALONGSIDE A BODY OF WATER.**

22                   **(2) “FIXED NATURAL BUFFER” INCLUDES THE FOLLOWING FIXED**  
23     **NATURAL FILTER PRACTICES:**

24                           **(I) THE PLANTING OF RIPARIAN FOREST BUFFERS;**

25                           **(II) THE PLANTING OF RIPARIAN HERBACEOUS COVER;**

26                           **(III) TREE PLANTINGS THAT ARE ON AGRICULTURAL LAND; AND**

27                           **(IV) WETLAND RESTORATION.**

28                   **(3) “FIXED NATURAL BUFFER” DOES NOT INCLUDE PASTURE**  
29     **MANAGEMENT, AS DESCRIBED UNDER § 8-701(D)(5) OF THIS ARTICLE.**

1       **(E) “100-FOOT TIDAL BUFFER” MEANS ANY LAND WITHIN 100 FEET OF:**

2               **(1) THE MEAN HIGH WATER LINE OF TIDAL WATERS;**

3               **(2) THE EDGE OF EACH BANK OF A TRIBUTARY TIDAL STREAM; OR**

4               **(3) THE LANDWARD BOUNDARY OF A TIDAL WETLAND.**

5       **(F) “PROGRAM” MEANS THE MARYLAND LEADERS IN ENVIRONMENTALLY**  
6 **ENGAGED FARMING (LEEF) PROGRAM ESTABLISHED UNDER § 2-2402 OF THIS**  
7 **SUBTITLE.**

8 **2-2402.**

9       **(A) THERE IS A MARYLAND LEADERS IN ENVIRONMENTALLY ENGAGED**  
10 **FARMING (LEEF) PROGRAM.**

11       **(B) THE PURPOSES OF THE PROGRAM ARE TO:**

12               **(1) INVIGORATE STRATEGIES TO:**

13                       **(i) REDUCE NUTRIENTS IN SUPPORT OF CHESAPEAKE BAY**  
14 **WATERSHED RESTORATION;**

15                       **(ii) MITIGATE FARM EMISSIONS AND INCREASE CARBON**  
16 **SEQUESTRATION IN ACCORDANCE WITH MARYLAND’S CLIMATE POLLUTION**  
17 **REDUCTION PLAN; AND**

18                       **(iii) ALIGN ENVIRONMENTAL GOALS AND INITIATIVES OF THE**  
19 **DEPARTMENT AND THE STATE WHILE ENHANCING FARM PROFITABILITY;**

20               **(2) PROVIDE PRODUCERS WITH GREATER INCENTIVES TO**  
21 **VOLUNTARILY PARTICIPATE IN THE ADOPTION OF MULTIPLE CONSERVATION**  
22 **PRACTICES AND COMMUNITY BEST PRACTICES WITHIN INDIVIDUAL AGRICULTURAL**  
23 **OPERATIONS OR ACROSS MULTIPLE OPERATIONS THAT ARE IN CLOSE PROXIMITY TO**  
24 **ONE ANOTHER;**

25               **(3) ESTABLISH TIERS OF RECOGNITION FOR PRODUCERS TO BE**  
26 **EVALUATED FOR PROGRAM CERTIFICATION; AND**

27               **(4) PROVIDE STATE FUNDS TO INCENTIVIZE THE COORDINATED**  
28 **ADOPTION OF CONSERVATION PRACTICES AND COMMUNITY BEST PRACTICES TO**  
29 **ACHIEVE ENVIRONMENTAL, SOCIAL, AND CLIMATE RESILIENCY BENEFITS AND**  
30 **NUTRIENT AND SEDIMENT REDUCTION.**

1 2-2403.

2 TO CARRY OUT THE PURPOSES OF THE PROGRAM THE DEPARTMENT SHALL,  
3 SUBJECT TO THE DISCRETION OF THE SECRETARY:

4 (1) ASSIGN A PROGRAM ADMINISTRATOR AND PROVIDE FOR  
5 ADEQUATE ADMINISTRATIVE SUPPORT;

6 (2) IN CONSULTATION WITH MEMBERS OF THE AGRICULTURAL,  
7 CONSERVATION, ENVIRONMENTAL, AND HIGHER EDUCATION COMMUNITIES,  
8 DEVELOP AND PROMOTE A SUITE OF CONSERVATION PRACTICES AND COMMUNITY  
9 BEST PRACTICES ELIGIBLE FOR THE PROGRAM, INCLUDING:

10 (I) CONSERVATION TILLAGE;

11 (II) NUTRIENT INPUT REDUCTION;

12 (III) COVER CROP PLANTINGS;

13 (IV) USE OF NATURAL FILTERS;

14 (V) CONSERVING AND INCREASING WILDLIFE AND POLLINATOR  
15 HABITATS;

16 (VI) HEALTHY SOILS PRACTICES;

17 (VII) FACILITATING WORK EXPERIENCE FOCUSED ON  
18 AGRICULTURE IN UNDERSERVED COMMUNITIES;

19 (VIII) PARTNERING WITH OPERATORS TO IMPROVE  
20 CONSERVATION PRACTICES ON LEASED LAND;

21 (IX) LIAISING BETWEEN THE DEPARTMENT AND UNDERSERVED  
22 COMMUNITIES TO FACILITATE OUTREACH AND IDENTIFY BARRIERS TO  
23 DEPARTMENT PROGRAMS REACHING BROADER AUDIENCES;

24 ~~(X)~~ (X) PARTICIPATING IN THE FARMERS' MARKET  
25 NUTRITION PROGRAM;

26 ~~(XI)~~ (XI) PARTNERING WITH FOOD BANKS OR NONPROFIT  
27 ORGANIZATIONS TO ADDRESS FOOD INSECURITY;

28 ~~(XII)~~ (XII) PARTICIPATING IN THE CERTIFIED LOCAL FARM AND  
29 FISH PROGRAM;

1                   ~~(XII)~~ (XIII) USING ON-FARM RENEWABLE ENERGY;

2                   ~~(XIII)~~ (XIV) MENTORING NEW AND BEGINNING FARMERS; ~~AND~~

3                   ~~(XIV)~~ (XV) PARTNERING WITH AN INSTITUTION OF HIGHER  
4 EDUCATION OR QUALIFIED TECHNICAL SERVICE PROVIDER TO CONDUCT  
5 FIELD-BASED RESEARCH; OR

6                   (XVI) INSTALLATION OF A FIXED NATURAL BUFFER, INCLUDING  
7 WITHIN A 100-FOOT TIDAL BUFFER;

8                   (3) IN CONSULTATION WITH MEMBERS OF THE AGRICULTURAL,  
9 CONSERVATION, ENVIRONMENTAL, AND HIGHER EDUCATION COMMUNITIES,  
10 DEVELOP CRITERIA AND APPROPRIATE EVALUATION MEASURES TO ESTABLISH THE  
11 TIERS OF RECOGNITION FOR PROGRAM CERTIFICATION THAT INCLUDES  
12 CONSIDERATION OF:

13                   (I) PROXIMITY OF A CONSERVATION PRACTICE OR COMMUNITY  
14 BEST PRACTICE TO WATERS OF THE STATE;

15                   (II) THE EXTENT TO WHICH A CONSERVATION PRACTICE OR  
16 COMMUNITY BEST PRACTICE PROTECTS OR RESTORES THE CHESAPEAKE AND  
17 ATLANTIC COASTAL BAYS CRITICAL AREA OR OTHER AREA DESIGNATED FOR  
18 REGULATION OR SPECIAL PROTECTION UNDER A FEDERAL OR STATE LAW; AND

19                   (III) THE EXTENT TO WHICH A CONSERVATION PRACTICE OR  
20 COMMUNITY BEST PRACTICE ENGAGES WITH AND BENEFITS OVERBURDENED AND  
21 UNDERSERVED COMMUNITIES;

22                   (4) EVALUATE APPLICATIONS ON A CONTINUING BASIS AND  
23 CONFIRM PARTICIPANT COMPLIANCE WITH PROGRAM CRITERIA; AND

24                   (5) COORDINATE WITH THE DEPARTMENT OF NATURAL RESOURCES,  
25 THE DEPARTMENT OF THE ENVIRONMENT, AND THE MARYLAND ENERGY  
26 ADMINISTRATION, AS APPROPRIATE, TO ESTABLISH INCENTIVES FOR  
27 PARTICIPATION IN THE PROGRAM.

28 2-2404.

29                   (A) IN THIS SECTION, "FUND" MEANS THE MARYLAND LEADERS IN  
30 ENVIRONMENTALLY ENGAGED FARMING (LEEF) PROGRAM FUND.

1 (B) THERE IS A MARYLAND LEADERS IN ENVIRONMENTALLY ENGAGED  
2 FARMING (LEEF) PROGRAM FUND IN THE DEPARTMENT.

3 (C) THE DEPARTMENT SHALL ADMINISTER THE FUND.

4 (D) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE  
5 COMPTROLLER SHALL ACCOUNT FOR THE FUND.

6 ~~(E) THE FUND, FOR FISCAL YEARS 2026 THROUGH 2031, MAY RECEIVE UP  
7 TO \$2,000,000 PER YEAR OF THE MONEY THAT:~~

8 ~~(1) IS APPROPRIATED IN THE ANNUAL STATE BUDGET TO FUND TREE  
9 PLANTING UNDER § 8-706 OF THIS ARTICLE; AND~~

10 ~~(2) THE DEPARTMENT DETERMINES WILL NOT BE ABLE TO BE USED  
11 FOR THE TREE PLANTINGS.~~

12 (E) FOR FISCAL YEAR 2026 AND EACH FISCAL YEAR THEREAFTER, THE  
13 GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF  
14 AT LEAST \$900,000 TO THE FUND.

15 (F) (1) THE FUND MAY BE USED ONLY TO:

16 ~~(1) (I) SUPPORT ACTIONS ASSOCIATED WITH FULFILLING THE~~  
17 ~~PROGRAM'S PURPOSE; AND~~

18 ~~(2) (II) COVER NOT MORE THAN 20% OF SUBJECT TO PARAGRAPH~~  
19 ~~(2) OF THIS SUBSECTION, COVER THE DEPARTMENT'S ADMINISTRATIVE COSTS TO~~  
20 ~~ADMINISTER THE PROGRAM.~~

21 (2) IN EACH FISCAL YEAR, NOT MORE THAN 20% OF THE FUND MAY  
22 BE USED FOR ADMINISTRATIVE COSTS OF THE DEPARTMENT.

23 2-2405.

24 THE DEPARTMENT MAY ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.

25 ~~§ 706.~~

26 ~~(a) To maximize participation in the Conservation Reserve Enhancement~~  
27 ~~Program, in fiscal years 2023 through 2031, inclusive, a landowner who enrolls land~~  
28 ~~planted with a forested streamside buffer shall receive a one-time signing bonus of up to~~  
29 ~~\$1,000 per acre of land enrolled.~~

30 ~~(b) Signing bonuses provided under this section shall be funded with:~~





1           **(4) (I) “REGENERATIVE PRACTICES AND TRADITIONS” MEANS A**  
2 **FORM OF LAND MANAGEMENT AND STEWARDSHIP APPROACHES AND PRACTICES**  
3 **THAT:**

4                   **1.    DRAWS ON TRADITIONS AND INNOVATIONS FROM**  
5 **AFRICAN, INDIGENOUS, AND ORIGINAL LAND STEWARDS;**

6                   **2.    PROMOTES CULTURALLY IMPORTANT FOOD AND**  
7 **CLIMATE JUSTICE PROGRAMS AND INITIATIVES; AND**

8                   **3.    ENHANCES THE LAND AND ECOSYSTEM THROUGH**  
9 **ADAPTIVE LAND MANAGEMENT PRACTICES THAT IMPROVE SOIL HEALTH AND**  
10 **WATER QUALITY, RESTORE BIODIVERSITY, MITIGATE CLIMATE CHANGE IMPACTS,**  
11 **AND PROVIDE THE GREATEST COMMUNITY BENEFITS.**

12                   **(II) “REGENERATIVE PRACTICES AND TRADITIONS” INCLUDES**  
13 **PRACTICES SUCH AS PRODUCING FOOD IN THE STATE FOR DISTRIBUTION WITHIN**  
14 **THE STATE.**

15                                   **Article – Health – General**

16 21–305.

17           (a)    Except as otherwise provided in this subtitle, a person may not operate a food  
18 establishment unless the person is licensed by the Department.

19           (b)    (1)   A separate license is required for each food establishment that a person  
20 owns or operates.

21                   (2)    Except in Baltimore City, the provisions of this subsection may require  
22 a license for each location where vending machines are operated, but may not require a  
23 separate license for each individual vending machine.

24                   (3)    Except in Baltimore City, vending machine locations used exclusively  
25 for prepackaged and commercially sealed foods that are not potentially hazardous, as  
26 defined by regulation, are not required to be licensed.

27                   (4)    In Baltimore City, a license may be required for each individual vending  
28 machine.

29                   (5)    (i)    An excluded organization may operate a food establishment  
30 without a license unless the excluded organization has been issued a license under §  
31 21–304(a)(2)(ii) of this subtitle.

1 (ii) If the Department adopts regulations governing excluded  
 2 organizations serving potentially hazardous foods prepared in a private kitchen, an  
 3 excluded organization shall meet any requirements in the regulations.

4 (6) A license is not required for a person who:

5 (i) Produces shell eggs;

6 (ii) Sells the shell eggs directly to the public; and

7 (iii) Is registered with or inspected by the Secretary of Agriculture  
 8 under § 4-310 or § 4-311.1 of the Agriculture Article.

9 (7) **A LICENSE IS NOT REQUIRED FOR A PERSON WHO:**

10 (I) **IS LICENSED BY THE DEPARTMENT OF NATURAL**  
 11 **RESOURCES UNDER § 4-701 OR § 4-701.1 OF THE NATURAL RESOURCES ARTICLE;**  
 12 **AND**

13 (II) **HARVESTS AND PROCESSES FINFISH ON A VESSEL BY**  
 14 **IKEJIME FOR DIRECT SALE TO RESTAURANTS.**

15 (8) Except as provided in § 21-304 of this subtitle, nothing in this subtitle  
 16 shall preempt the right of a county to require a permit under the authority provided by a  
 17 local law, ordinance, or regulation if this subtitle does not require the food establishment  
 18 to obtain a State license.

19 **Article – Natural Resources**

20 **SUBTITLE 11. WATER QUALITY MONITORING PROGRAM.**

21 **3-1101.**

22 (A) **THERE IS A WATER QUALITY MONITORING PROGRAM WITHIN THE**  
 23 **DEPARTMENT.**

24 (B) **THE PURPOSE OF THE WATER QUALITY MONITORING PROGRAM IS TO:**

25 (1) **PROVIDE FOR A CONSISTENT STATEWIDE APPROACH FOR**  
 26 **IMPROVING WATER QUALITY MONITORING DATA, CONSISTENT WITH THE MOST**  
 27 **UP-TO-DATE SCIENTIFIC KNOWLEDGE AND TECHNOLOGIES;**

28 (2) **CONDUCT LONG-TERM AND TARGETED SHORT-TERM WATER**  
 29 **QUALITY MONITORING AND ASSESSMENTS TO DEVELOP AN UNDERSTANDING OF**  
 30 **AND GUIDE PROGRAMS DESIGNED TO MEET WATER QUALITY IMPROVEMENT GOALS,**

1 IMPROVE AQUATIC LIVING RESOURCES AND HABITAT, ADDRESS CLIMATE CHANGE  
2 IMPACTS, AND IMPLEMENT RESILIENCE PLANNING;

3 (3) INTEGRATE WATER QUALITY MONITORING DATA INTO PLANNING  
4 PROCESSES TO INFORM POLICY CHOICES ABOUT THE EFFECTIVENESS OF  
5 MANAGEMENT ACTIONS; AND

6 (4) PROVIDE THE GENERAL PUBLIC WITH READILY AVAILABLE  
7 WATER QUALITY MONITORING DATA TO GUIDE RECREATIONAL AND OTHER PASSIVE  
8 USES.

9 (C) THE DEPARTMENT MAY ASSESS AND INCORPORATE WATER QUALITY  
10 MONITORING DATA THAT MEETS THE QUALITY ASSURANCE AND USE GOALS OF THE  
11 STATE DATA SETS INTO THE WATER QUALITY MONITORING PROGRAM.

12 4-215.

13 (a) (1) In this section the following words have the meanings indicated.

14 (2) “Conservation and management measures” means 1 or more techniques  
15 through which the objectives of a fishery management plan are achieved.

16 (3) “Fishery” or “fishery resource” means:

17 (i) One or more stocks of fish which can be treated as a unit for  
18 purposes of conservation and management and which are identified on the basis of  
19 geographic, scientific, technical, recreational, and economic characteristics; or

20 (ii) The group or industry harvesting those stocks.

21 (4) “Fishery management” means the system used to conserve and allocate  
22 the fishery resource, including research and data collection, determination of objectives and  
23 management measures, and establishment, enforcement, and periodic evaluation of  
24 regulations.

25 (5) “Fishery management plan” means [a document or report that  
26 contains] a systematic description of a given fishery OR FISHERIES and the objectives and  
27 conservation and management measures for the fishery OR FISHERIES.

28 (6) “SUPPLEMENT” MEANS A MARYLAND-SPECIFIC SUPPLEMENT  
29 PREPARED UNDER SUBSECTION (B) OF THIS SECTION.

30 (b) (1) ¶The Department shall prepare fishery management plans for the  
31 following species:

32 (1) ~~Striped bass or rockfish;~~

- 1           ~~(2)~~   (I)    White perch;
- 2           ~~(3)~~   (II)   Yellow perch;
- 3           ~~(4)~~   ~~American shad;~~
- 4           ~~(5)~~   ~~Hickory shad;~~
- 5           ~~(6)~~   (III)  Oysters;
- 6           ~~(7)~~   (IV)  Blue crabs;
- 7           ~~(8)~~   ~~Bluefish;~~
- 8           ~~(9)~~   ~~Herring;~~
- 9           ~~(10)~~  ~~Weakfish;~~
- 10          ~~(11)~~  ~~Croaker;~~
- 11          ~~(12)~~  ~~Spot;~~
- 12          ~~(13)~~  ~~Summer flounder;~~
- 13          ~~(14)~~  ~~American eel;~~
- 14          ~~(15)~~  ~~Red drum;~~
- 15          ~~(16)~~  ~~Black drum;~~
- 16          ~~(17)~~  ~~Spotted sea trout;~~
- 17          ~~(18)~~  ~~Horseshoe crabs;~~
- 18          ~~(19)~~  ~~Menhaden;~~
- 19          ~~(20)~~  ~~Tautog;~~
- 20          ~~(21)~~  ~~Black sea bass;~~
- 21          ~~(22)~~  ~~Seup;~~
- 22          ~~(23)~~  (V)   Hard shell clams;
- 23          ~~(24)~~  (VI)  Catfish; and

1           ~~(25)~~ **(VII)** Cownose ray<sup>1</sup>.

2           **(2)** FOR SPECIES OF FISH THAT HAVE AN ATLANTIC STATES MARINE  
3 **FISHERIES COMMISSION FISHERY MANAGEMENT PLAN, AS AUTHORIZED UNDER §**  
4 **4-301 OF THIS TITLE, OR A FEDERAL REGIONAL FISHERY MANAGEMENT COUNCIL**  
5 **FISHERY MANAGEMENT PLAN, THE DEPARTMENT:**

6           ~~(1)~~ **(I)** SHALL MANAGE THOSE SPECIES IN ACCORDANCE WITH  
7 **THOSE PLANS AND ANY SUPPLEMENTS TO THOSE PLANS;**

8           ~~(2)~~ **(II)** MAY IMPLEMENT CONSERVATION AND MANAGEMENT  
9 **MEASURES IN ACCORDANCE WITH THOSE PLANS;**

10           ~~(3)~~ **(III)** MAY PREPARE A MARYLAND-SPECIFIC SUPPLEMENT TO  
11 **THOSE PLANS IF, AFTER CONSULTATION WITH THE TIDAL FISHERIES ADVISORY**  
12 **COMMISSION, SPORT FISHERIES ADVISORY COMMISSION, AND ANY OTHER**  
13 **APPROPRIATE ADVISORY BODIES CREATED UNDER THIS TITLE, THE DEPARTMENT**  
14 **DETERMINES THAT IMPOSING MORE RESTRICTIVE MEASURES IS NECESSARY TO**  
15 **CONSERVE THE FISHERY; ~~AND~~**

16           ~~(4)~~ **(IV)** MAY IMPLEMENT CONSERVATION AND MANAGEMENT  
17 **MEASURES IN ACCORDANCE WITH A SUPPLEMENT ADOPTED UNDER THIS ~~SECTION.~~  
18 **SECTION; AND****

19           **(V)** **MAY MANAGE THOSE SPECIES IN ACCORDANCE WITH A**  
20 **FISHERY MANAGEMENT PLAN PREPARED BY THE DEPARTMENT IN ACCORDANCE**  
21 **WITH SUBSECTION (C) OF THIS SECTION.**

22           (c) **(1)** The Department may prepare fishery management plans for any  
23 species of fish if, after consultation with the ~~†~~Tidal Fisheries Advisory Commission ~~and~~, the  
24 Sport Fisheries Advisory Commission, **AND ANY OTHER†** **APPROPRIATE ADVISORY**  
25 **BODIES CREATED UNDER THIS TITLE**, the Department determines that the plans are  
26 necessary based on:

27           **(I)** **LACK OF MANAGEMENT BY THE ATLANTIC STATES MARINE**  
28 **FISHERIES COMMISSION OR A FEDERAL REGIONAL FISHERY MANAGEMENT**  
29 **COUNCIL;**

30           **[(1)] (II)** The population of the species;

31           **[(2)] (III)** The distribution of the species;

32           **[(3)] (IV)** The habitat needs of the species; or

1            [(4)] (v) Other biological, ecological, CLIMATOLOGICAL, or  
 2 socioeconomic factors concerning the species OR CHESAPEAKE BAY REGION.

3            [(d) (1)] (2) A FISHERY MANAGEMENT PLAN MAY INCLUDE:

4                    (I) PROPOSED LIMITATIONS ON THE CATCH OF FISH, BASED ON  
 5 AREA, SPECIES, SIZE, NUMBER, WEIGHT, SEX, INCIDENTAL CATCH, TOTAL BIOMASS,  
 6 OR OTHER FACTORS THAT ARE NECESSARY AND APPROPRIATE FOR CONSERVATION  
 7 AND MANAGEMENT OF A FISHERY;

8                    (II) INCORPORATION OF RELEVANT FISHERY CONSERVATION  
 9 AND MANAGEMENT MEASURES PROPOSED OR ADOPTED BY INTERSTATE BODIES OF  
 10 WHICH MARYLAND IS A MEMBER; AND

11                    (III) OTHER PROPOSED MEASURES, REQUIREMENTS, OR  
 12 CONDITIONS AND RESTRICTIONS THAT ARE NECESSARY AND APPROPRIATE FOR  
 13 FISHERY MANAGEMENT.

14            (3) (I) THE DEPARTMENT MAY IMPLEMENT CONSERVATION AND  
 15 MANAGEMENT MEASURES IN ACCORDANCE WITH A FISHERY MANAGEMENT PLAN  
 16 ADOPTED UNDER THIS SECTION.

17                    (II) Conservation and management measures [adopted]  
 18 IMPLEMENTED under a fishery management plan, to the extent possible:

19                    [(i)] 1. Shall prevent overfishing while attempting to achieve the  
 20 best and most efficient utilization of the State's fishery resources;

21                    [(ii)] 2. Shall be based on the best information available;

22                    [(iii)] 3. May not discriminate unfairly among groups of  
 23 [fishermen] ~~ANGLERS~~ COMMERCIAL AND RECREATIONAL FISHING PARTICIPANTS,  
 24 INCLUDING INDIVIDUALS LICENSED TO GUIDE FISHING PARTIES AND CHARTER  
 25 BOAT CAPTAINS, or have economic allocation as its sole purpose;

26                    [(iv)] 4. Shall take into account and allow for variations among,  
 27 and contingencies in, fisheries, fishery resources, and catches; [and]

28                    [(v)] 5. Shall avoid duplication of regulatory efforts and  
 29 unnecessary costs to the State and to any other person; AND

30                    6. SHALL TAKE INTO ACCOUNT CHANGES IN  
 31 ENVIRONMENTAL FACTORS, INCLUDING CLIMATOLOGICAL FACTORS.

1            [(2)] (4)      If it becomes necessary to allocate or assign fishing privileges  
 2 among various groups of individuals under paragraph [(1)(iii)] (3)(II)3 of this subsection,  
 3 or under any fishery management plan, that allocation shall be:

4            (i)      Fair and equitable to all individuals;

5            (ii)     Reasonably calculated to promote conservation; and

6            (iii)    Carried out in such a manner that no particular individual,  
 7 corporation, or other entity acquires an excessive share of such privileges.

8            [(e) (1)] (5)      [Except] **SUBJECT TO ANY APPLICABLE SUPPLEMENT AND**  
 9 **EXCEPT** as provided in paragraph [(2)] (6) of this subsection, a fishery management plan  
 10 may apply separately or jointly to the waters of the Chesapeake Bay and its tidal  
 11 tributaries, the coastal bays and their tributaries, and the Maryland waters of the Atlantic  
 12 Ocean and shall include:

13           (i)      The best available estimates of sustainable harvest rates;

14           (ii)     Indicators that would trigger any tightening or loosening of  
 15 harvest restrictions;

16           (iii)    A description of the fishery, including:

17                    1.      The history of the fishery, and its current condition  
 18 relative to historic populations;

19                    2.      The numbers of potential commercial FISHING  
 20 PARTICIPANTS, INCLUDING INDIVIDUALS LICENSED TO GUIDE FISHING PARTIES  
 21 AND CHARTER BOAT CAPTAINS, and recreational [fishermen] ~~ANGLERS~~ FISHING  
 22 PARTICIPANTS projected to participate in the fishery;

23                    3.      The type and quantity of fishing gear used commercially;

24                    4.      Where practicable, the cost likely to be incurred in the  
 25 management of the fishery; and

26                    5.      The actual and potential revenues from the recreational  
 27 and commercial fishery;

28            (iv)    If the Department determines that a fishery has been, or is  
 29 currently, overfished:

30                    1.      A species-specific time period for:

1 A. Ending or appropriately addressing overfishing; and

2 B. Rebuilding the stock of the species to a sustainable level;

3 and

4 2. A description of:

5 A. Management strategies that have a high probability of  
6 reducing fishing to a target level within a target time period, as determined by the  
7 Department; and

8 B. The appropriate assignment or allocation of fishing  
9 privileges in accordance with [subsection (d)(2)] **PARAGRAPH (4)** of this [section]  
10 **SUBSECTION**; and

11 (v) Other pertinent data that will assist the Secretary in  
12 determining conservation and management measures reasonably necessary to ensure that  
13 the fishery resources will be sustained.

14 **[(2)] (6)** The Department may waive the requirements in paragraph  
15 **[(1)(iv)] (5)(IV)** of this subsection for a species of fish if the Department determines that  
16 meeting the requirements is not practicable or biologically appropriate based on:

17 (i) The specific biology of the species;

18 (ii) The management of the species under a federal or multi-state  
19 fishery management plan;

20 (iii) The designation of the species as a nuisance;

21 (iv) Environmental conditions; or

22 (v) Other ecological factors.

23 **[(3)] (D) (1)** (i) The Department shall:

24 1. In coordination with the University of Maryland Center  
25 for Environmental Science and the Oyster Advisory Commission, develop a package of  
26 consensus recommendations for enhancing and implementing the fishery management  
27 plan for oysters that will be informed by a collaboratively developed, science-based  
28 modeling tool to quantify the long-term impacts of identified management actions and  
29 possible combinations of management actions on:

30 A. Oyster abundance;

31 B. Oyster habitat;



1 C. Oyster harvest;

2 D. Oyster harvest revenue; and

3 E. Nitrogen removal; and

4 2. Hold public listening sessions throughout the State to  
5 identify possible management actions for use in the public oyster fishery.

6 (ii) The Oyster Advisory Commission, with the assistance of external  
7 conflict resolution and facilitation specialists, shall:

8 1. Develop a package of consensus recommendations through  
9 a facilitated consensus solutions process, based on a 75% majority agreement level for each  
10 recommendation;

11 2. Recommend management actions or combinations of  
12 management actions to achieve the targets identified in the oyster stock assessment with  
13 the goal of increasing oyster abundance; and

14 3. Review model results for each management action or  
15 combination of management actions to inform its recommendations.

16 (iii) 1. The Department shall submit interim reports on the  
17 development of the package of consensus recommendations by August 1, 2020, December  
18 1, 2020, and August 1, 2021, to the Governor and, in accordance with § 2–1257 of the State  
19 Government Article, the General Assembly.

20 2. In addition to the requirements under subparagraph 1  
21 of this subparagraph, the Department shall include in the interim report submitted by  
22 August 1, 2021:

23 A. The status of the development of the science-based  
24 modeling tool used to quantify the long-term impacts of identified management actions;  
25 and

26 B. A summary of the model results of any actions identified  
27 by the Oyster Advisory Commission on or before the date of the interim report.

28 3. The Department shall provide a final report by December  
29 1, 2021, which will include an implementation schedule for the consensus  
30 recommendations, to the Governor and, in accordance with § 2–1257 of the State  
31 Government Article, the General Assembly.

32 (iv) To be responsive to changes in the oyster resource due to  
33 environmental conditions, the Department shall:

1                   1.     Review the status of the stock relative to reference points  
2 every 2 years and conduct a benchmark stock assessment every 6 years with consideration  
3 of new methods and with external peer review; and

4                   2.     With the input of interested stakeholders, implement  
5 management actions that increase oyster habitat, maintain harvest, and grow the oyster  
6 stock.

7                   **[(4)] (2)**     The fishery management plan developed in accordance with  
8 paragraph **[(3)] (1)** of this subsection shall:

9                   (i)     End the overfishing of oysters in all areas and regions of the  
10 Chesapeake Bay and its tributaries where overfishing has occurred according to biological  
11 reference points established by the most recent oyster stock assessment while maintaining  
12 a harvest in the fishery;

13                   (ii)    Achieve fishing mortality rates at target levels;

14                   (iii)   Increase oyster abundance;

15                   (iv)   Increase oyster habitat; and

16                   (v)     Facilitate the long-term sustainable harvest of oysters,  
17 including the public fishery.

18                   **[(f)]**    A fishery management plan may include:

19                   (1)     Proposed limitations on the catch of fish, based on area, species, size,  
20 number, weight, sex, incidental catch, total biomass, or other factors, which are necessary  
21 and appropriate for conservation and management of a fishery;

22                   (2)     Incorporation of relevant fishery conservation and management  
23 measures proposed or adopted by interstate bodies of which Maryland is a member; and

24                   (3)     Other proposed measures, requirements, or conditions and restrictions  
25 which are necessary and appropriate for fishery management.

26                   **[(g)] (E)**    The Department shall present the management plans **AND**  
27 **SUPPLEMENTS** under this section in the form of an annual report, subject to § 2–1257 of  
28 the State Government Article, to:

29                   (1)     The Legislative Policy Committee;

30                   (2)     The Senate Committee on Education, Energy, and the Environment;  
31 and

32                   (3)     The Environment and Transportation Committee.

- 1           **[(h)] (F)**       (1)   (i)    The **[Secretary shall] DEPARTMENT:**
- 2                               **1.    SHALL** adopt **[the proposed] BY REGULATION:**
- 3                               **A.    A FISHERY** management **[plans] PLAN PREPARED BY**  
4 **THE DEPARTMENT UNDER THIS SECTION; AND**
- 5                               **B.    A SUPPLEMENT PREPARED BY THE DEPARTMENT**  
6 **UNDER THIS SECTION; and [any proposed]**
- 7                               **2.    MAY ADOPT** conservation and management measures by  
8 regulation **FOR:**
- 9                               **A.    AN ATLANTIC STATES MARINE FISHERIES**  
10 **COMMISSION FISHERY MANAGEMENT PLAN;**
- 11                               **B.    A FEDERAL REGIONAL FISHERY MANAGEMENT**  
12 **COUNCIL FISHERY MANAGEMENT PLAN;**
- 13                               **C.    A FISHERY MANAGEMENT PLAN PREPARED AND**  
14 **ADOPTED BY THE DEPARTMENT UNDER THIS SECTION; AND**
- 15                               **D.    A SUPPLEMENT PREPARED AND ADOPTED BY THE**  
16 **DEPARTMENT UNDER THIS SECTION.**
- 17                               (ii)   **1.    The Secretary may adopt conservation and management**  
18 **measures in separate proceedings and by separate regulations.**
- 19                               **2.    Conservation and management measures adopted**  
20 **separately may include changes to those proposed or adopted in a fishery management plan**  
21 **OR SUPPLEMENT and any additional measures necessary to carry out the adopted plan**  
22 **OR SUPPLEMENT.**
- 23                               (iii)   The Secretary may not prohibit the use of pound net sites in the  
24 coastal bays that are registered with the Department as of January 1, 2000.
- 25                               (2)   **(I)**    The regulations of the Department to implement a fisheries  
26 management plan for the coastal bays may not become effective under this section until the  
27 Department first holds A public **[hearings in Worcester County] HEARING.**
- 28                               **(II)   THE PUBLIC HEARING REQUIRED UNDER SUBPARAGRAPH**  
29 **(I) OF THIS PARAGRAPH MAY BE HELD IN PERSON IN WORCESTER COUNTY OR, IN**  
30 **WHOLE OR IN PART, REMOTELY BY ELECTRONIC MEANS.**

(3) All notices of public hearings required for the adoption of regulations under this section shall be printed in the Maryland Register and further publicized so as to provide reasonable notice to the affected communities OF COMMERCIAL FISHING PARTICIPANTS, INCLUDING INDIVIDUALS LICENSED TO GUIDE FISHING PARTIES AND CHARTER BOAT CAPTAINS, AND RECREATIONAL FISHING PARTICIPANTS [of fishermen] and the public.

**[(i)] (G)** Notwithstanding any other provision of this title, except § 4-1002 of this title, once a fishery management plan **OR SUPPLEMENT** has been adopted by regulation, the State's fishery resources shall be harvested in accordance with the conservation and management measures in the fishery management plan **OR SUPPLEMENT** and any regulations implementing or amending that plan **OR SUPPLEMENT**.

**[(j)] (H)** The provisions of this section do not apply to aquaculture activities in nontidal ponds, lakes, or impoundments in the State.

4-11A-09.

(g) (1) If an application for a submerged land or water column lease in the Chesapeake Bay or in the Atlantic Coastal Bays meets the requirements of this subtitle:

(i) The applicant for the lease shall mark the **CENTER OF THE** proposed area with a stake; and

(ii) The Department shall:

1. **SURVEY THE CORNERS OF THE PROPOSED LEASE AREA;**

2. Advertise the application on the website of the Department and once a week for 2 weeks in a newspaper published in the county or counties where the proposed lease is to be located;

**[2.] 3.** Notify the owners of property directly in front of the proposed activity;

**[3.] 4.** Notify each Chair of an Oyster Committee in the county in which the proposed activity is located; and

**[4.] 5.** Notify other interested parties that the Department **[deems] CONSIDERS** appropriate.

(2) (i) **[Within] ANY PERSON MAY SUBMIT A WRITTEN REQUEST FOR A PUBLIC INFORMATIONAL MEETING ON THE ISSUANCE OF A LEASE WITHIN 30**

1 days [of] AFTER publication of the last advertisement under paragraph (1) of this  
2 subsection[, any].

3 (II) THE REQUEST FOR A PUBLIC INFORMATIONAL MEETING  
4 SUBMITTED TO THE DEPARTMENT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH  
5 MUST CONTAIN THE NAME, MAILING ADDRESS, AND E-MAIL ADDRESS OF THE  
6 REQUESTOR.

7 (III) THE DEPARTMENT SHALL HOLD A PUBLIC INFORMATIONAL  
8 MEETING ON THE ISSUANCE OF A LEASE ON THE REQUEST OF ANY PERSON.

9 (3) (I) ANY person who has a specific right, duty, privilege, or interest  
10 that is different from that held by the general public and may be adversely affected by the  
11 proposed lease may file a WRITTEN petition with the Department protesting the issuance  
12 of the lease:

13 1. WITHIN 30 DAYS AFTER PUBLICATION OF THE LAST  
14 ADVERTISEMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION; OR

15 2. WITHIN 7 DAYS AFTER A PUBLIC INFORMATIONAL  
16 MEETING HELD IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION.

17 (II) A PROTEST FILED WITH THE DEPARTMENT UNDER  
18 SUBPARAGRAPH (I) OF THIS PARAGRAPH MUST CONTAIN:

19 1. THE NAME, MAILING ADDRESS, AND E-MAIL ADDRESS  
20 OF THE PROTESTANT;

21 2. A STATEMENT INDICATING THAT THE PROTESTANT  
22 INTENDS TO PROTEST THE LEASE AND THE REASONS FOR THE PROTEST; AND

23 3. A STATEMENT DESCRIBING THE PROTESTANT'S  
24 SPECIFIC RIGHT, DUTY, PRIVILEGE, OR INTEREST THAT IS DIFFERENT FROM THAT  
25 HELD BY THE GENERAL PUBLIC AND MAY BE ADVERSELY AFFECTED BY THE  
26 PROPOSED LEASE.

27 (III) THE DEPARTMENT MAY REQUIRE MEDIATION BETWEEN  
28 THE PROTESTANT, THE APPLICANT, AND THE DEPARTMENT BEFORE TRANSMITTING  
29 THE PROTEST TO THE OFFICE OF ADMINISTRATIVE HEARINGS.

30 [(ii)] (IV) The protest shall be heard in accordance with the  
31 requirements of the Administrative Procedure Act under Title 10, Subtitle 2 of the State  
32 Government Article.

1                    [(iii) The Department shall hold a public informational meeting on the  
2 issuance of a lease on the request of any person.

3                    (iv)] (v)        Immediately after termination of the period [prescribed]  
4 SPECIFIED in subparagraph (i) of this paragraph for filing a petition or after a final  
5 decision dismissing a protest, the Department shall [survey the proposed leased area and]  
6 issue a lease to the applicant.

7                    (H)    THE DEPARTMENT, IN CONSULTATION WITH THE AQUACULTURE  
8 COORDINATING COUNCIL, MAY CHARGE AN APPLICANT REASONABLE ADVERTISING  
9 AND SURVEY FEES.

10 4-11A-14.

11                    (a)    (1)        Except as provided in paragraph (2) of this subsection, a leaseholder  
12 may cultivate or remove shellfish planted on [his] THE LEASEHOLDER'S aquaculture or  
13 submerged land lease area in any manner [he deems] THE LEASEHOLDER CONSIDERS  
14 proper.

15                    (2)        A person may not use a hydraulic escalator dredge to harvest shellfish  
16 in the Atlantic Coastal Bays.

17                    (b)    (1)        Each leaseholder shall keep accurate records concerning the seeding  
18 and planting of cultch and [oysters] SHELLFISH on[,] and the harvesting[,] and selling of  
19 [oysters] SHELLFISH from [his] THE LEASEHOLDER'S aquaculture, submerged land, or  
20 demonstration lease area.

21                    (2)        Each leaseholder shall report this information to the Department  
22 ELECTRONICALLY OR on forms SPECIFIED BY the Department [prescribes].

23                    (c)    (1)        On or before January [1] 31 of each year, a leaseholder shall provide to  
24 the Department a report documenting the use of the lease during the prior year.

25                    (2)        A leaseholder shall provide to the Department any other report that the  
26 Department may require.

27                    (3)        Failure to file a report may result in termination of the lease.

28                    (4)        Failure to actively use a lease may result in termination of the lease.

29                    **SUBTITLE 21. AGRICULTURE LEASES ON DEPARTMENT LAND.**

30 5-2101.

1           **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**  
2 **INDICATED.**

3           **(B) “HEALTHY SOILS” HAS THE MEANING STATED IN § 2-1901 OF THE**  
4 **AGRICULTURE ARTICLE.**

5           **(C) “REGENERATIVE PRACTICES AND TRADITIONS” HAS THE MEANING**  
6 **STATED IN § 2-1901 OF THE AGRICULTURE ARTICLE.**

7 **5-2102.**

8           **(A) THE DEPARTMENT MAY LEASE LAND OWNED OR MANAGED BY THE**  
9 **DEPARTMENT TO A PERSON IMPLEMENTING PRACTICES THAT SUPPORT HEALTHY**  
10 **SOILS AND REGENERATIVE PRACTICES AND TRADITIONS.**

11           **(B) (1) THE LEASE TERM MAY BE FOR A MINIMUM OF 10 YEARS.**

12                   **(2) THE LEASE SHALL REQUIRE THE LESSEE TO COMPLY WITH ALL**  
13 **APPLICABLE STATE AND FEDERAL LAWS AND REGULATIONS.**

14           **(C) THE DEPARTMENT SHALL CONSULT WITH THE DEPARTMENT OF**  
15 **AGRICULTURE ON THE DEVELOPMENT OF A TEMPLATE FOR LEASES ENTERED INTO**  
16 **UNDER THIS SECTION.**

17 **8-2B-02.**

18           (a) There is a Whole Watershed Restoration Partnership.

19           (b) The purpose of the Partnership is to accelerate restoration of the Chesapeake  
20 and Atlantic Coastal Bays and their watersheds by equitably focusing assistance on actions  
21 and areas that are:

22                   (1) Cost-effective;

23                   (2) Likely to demonstrate a rapid systemic response to restoration activity,  
24 including rapid de-listing of impaired streams identified under § 303(d) of the federal Clean  
25 Water Act; and

26                   (3) Supported by the local government.

27           (c) (1) The Secretary shall establish a State management team to administer  
28 the Partnership.

29                   (2) The State management team shall include:

- 1 (i) One representative of the Department, designated by the  
2 Secretary;
- 3 (ii) One representative of the Department of the Environment,  
4 designated by the Secretary of the Environment;
- 5 (iii) One representative of the Department of Agriculture, designated  
6 by the Secretary of Agriculture;
- 7 (iv) One representative of the Department of Planning, designated  
8 by the Secretary of Planning;
- 9 (v) One representative of the Critical Area Commission for the  
10 Chesapeake and Atlantic Coastal Bays, designated by the chair of the Commission; and
- 11 (vi) The Chief Resilience Officer, or the Chief Resilience Officer's  
12 designee.
- 13 (3) The representative of the Department shall chair the State  
14 management team.
- 15 (4) The State management team shall coordinate with other entities,  
16 including the U.S. Army Corps of Engineers and the U.S. Environmental Protection  
17 Agency, as necessary to carry out its functions and duties under this subtitle.
- 18 (d) (1) The Partnership shall employ staff in accordance with the State budget.
- 19 (2) State agencies may provide staff or other assistance to the Partnership.
- 20 (e) On or before October 1, 2024, and every 5 years thereafter, the State  
21 management team shall issue a request for proposals for projects that:
- 22 (1) Occur within a single Maryland 8-Digit Watershed as identified in the  
23 statewide digital watershed file maintained by the Department of Information Technology;
- 24 (2) Include a strategy describing the partners, actions, and benefits that  
25 the project will incorporate over a 5-year period;
- 26 (3) Provide at least five of the benefits specified under subsection (f)(2)(viii)  
27 of this section; and
- 28 (4) Are endorsed by each county and municipal corporation in which the  
29 project will occur.
- 30 (f) (1) Subject to paragraph (3) of this subsection, on or before March 1, 2025,  
31 and every 5 years thereafter, the State management team may approve up to five projects  
32 to receive assistance under this section.



1                   (2)    The State management team shall evaluate a proposed project based  
2 on whether the proposed project:

3                   (i)    Is located in a watershed in which habitat restoration and  
4 pollution reduction will:

5                               1.    Result in the greatest improvements to shallow water  
6 habitat and living resources;

7                               2.    Achieve rapid de-listing of impaired streams identified  
8 under § 303(d) of the federal Clean Water Act and published in the Department of the  
9 Environment's Triennial Review of Water Quality Standards; or

10                              3.    Generate rapidly improving conditions in the local  
11 ecosystem;

12                   (ii)   Emphasizes actions that are expected to provide the greatest,  
13 most cost-effective, and measurable amount of pollution reduction;

14                   (iii)  Supports land use policies, conservation programs, and  
15 restoration protocols at the local level that will sustain project actions and outcomes;

16                   (iv)   Has documented interest from a group of affected property  
17 owners to allow restoration or conservation actions on their property;

18                   (v)    Minimizes the loss of trees and other natural habitats;

19                   (vi)   Demonstrates opportunities to implement actions that reduce  
20 environmental disparities experienced by overburdened or underserved communities;

21                   (vii)  Demonstrates opportunities to foster innovation in restoration  
22 science or practices;

23                   (viii) In addition to land-based habitat restoration and water quality  
24 improvement, anticipates benefits related to:

25                              1.    The creation or restoration of wildlife habitat, riparian  
26 buffers, and wetland restoration;

27                              2.    The restoration of aquatic resources, such as freshwater  
28 mussels, fish passage, or oyster reefs;

29                              3.    Carbon sequestration;

30                              4.    Climate change mitigation, adaptation, or resilience;

- 1                                   5.     Local employment opportunities;
- 2                                   6.     Improving and protecting public health; and
- 3                                   7.     Recreational opportunities and public access to waterways  
4 and natural habitats; and
- 5                                   (ix)   Creates partnership opportunities among nonprofit and  
6 for-profit organizations, community organizations, all levels of government, and scientists.

7                   (3)    The State management team shall:

8                                   (i)    Work to ensure that the projects approved include:

- 9                                   1.     One project located in a predominantly urban area;
- 10                                  2.     One project located in a predominantly suburban area;
- 11                                  3.     Two projects primarily focused on reducing pollution in a  
12 predominantly agricultural area; and
- 13                                  4.     One project that incorporates collaborative efforts with an  
14 adjoining state; and

15                                  (ii)   Ensure that at least two approved projects are located in and  
16 provide benefits to an overburdened or underserved community.

17                   (4)    The State management team may require siting, design, construction,  
18 maintenance, and operation principles and standards for a project that are in addition to  
19 those required by law or regulation if the team determines that those principles and  
20 standards are necessary to preserve the benefits of the project.

21                   **(G)   (1)   AS SOON AS POSSIBLE AFTER APPROVING A PROJECT UNDER THIS**  
22 **SECTION, THE STATE MANAGEMENT TEAM AND THE PROJECT SPONSOR SHALL MEET**  
23 **TO DEVELOP A PLAN FOR PERMITTING THE PROJECT, INCLUDING IDENTIFYING ALL:**

24                                   **(I)    REQUIRED STATE AND FEDERAL PERMITS;**

25                                   **(II)   SUPPORTING DOCUMENTATION THAT MUST BE SUBMITTED**  
26 **WITH EACH PERMIT APPLICATION;**

27                                   **(III)   TIME FRAMES FOR SUBMITTING THE PERMITS AND**  
28 **SUPPORTING DOCUMENTATION; AND**

29                                   **(IV)   POINTS OF CONTACT WITHIN EACH RELEVANT AGENCY FOR**  
30 **EACH OF THE PERMITS.**

1           **(2) TO EXPEDITE THE PERMITTING PROCESS TO THE EXTENT**  
2 **ALLOWED BY STATE AND FEDERAL LAW, THE STATE MANAGEMENT TEAM AND**  
3 **PROJECT SPONSOR SHALL:**

4           **(I) INVITE ALL RELEVANT STATE AND FEDERAL AGENCIES,**  
5 **INCLUDING THE U.S. ENVIRONMENTAL PROTECTION AGENCY, THE U.S. ARMY**  
6 **CORPS OF ENGINEERS, AND THE NATIONAL MARINE FISHERIES SERVICE, TO THE**  
7 **MEETING REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION; AND**

8           **(II) COORDINATE WITH EACH AGENCY TO DEVELOP THE PLAN**  
9 **FOR PERMITTING THE PROJECT, INCLUDING TIME FRAMES AND REQUIREMENTS**  
10 **FOR EACH APPLICATION.**

11           **[(g)] (H)** For a period of 5 years after approving a project, the State management  
12 team shall:

13           (1) Assist the project sponsor in developing an implementation and  
14 financing plan, including measurable outcomes, for the duration of the project;

15           (2) Award implementation grants from the Fund and other appropriate  
16 State funds and accounts:

17                   (i) For up to 50% of project costs;

18                   (ii) In accordance with the implementation and financing plan  
19 developed under item (1) of this subsection; and

20                   (iii) With consideration given to the progress of the project as  
21 documented in the report required under subsection **[(i)(2)] (J)(2)** of this section;

22           (3) Award operations grants to the project sponsor for project  
23 administration costs in accordance with § 8-2A-02(f)(5) of this title;

24           (4) Provide for coordinated and transparent State permitting to the extent  
25 allowed by State and federal law, including the use of the permit tracking dashboard  
26 established by the Secretary under subsection **[(k)] (L)** of this section;

27           (5) Provide funding to the project sponsor to support water quality  
28 monitoring at the project site; and

29           (6) Meet with the project sponsor and participating local governments at  
30 least six times each calendar year to review and facilitate progress on the project.

31           **[(h)] (I)** A project sponsor shall provide opportunities for community  
32 engagement for the duration of the project by including:

1 (1) At least four community meetings that include representation from  
2 each local government endorsing the project; and

3 (2) An opportunity for public comment on the preliminary design of each  
4 major or large-scale action proposed by the project.

5 **[(i)] (J)** (1) A project sponsor shall identify appropriate metrics to track  
6 progress on meeting the outcomes identified in the project's implementation and financing  
7 plan.

8 (2) (i) A project sponsor shall report on the progress of the project at  
9 the intervals and in the format required by the State management team.

10 (ii) A report under this paragraph shall include information on:

11 1. Community engagement efforts;

12 2. Restoration and conservation actions initiated and  
13 completed;

14 3. Trees affected and trees at immediate or future risk of  
15 impact due to restoration actions;

16 4. Funding from all sources that was solicited, awarded, or  
17 spent; and

18 5. The progress made toward meeting the outcomes  
19 identified in the project's implementation and financing plan, including the metrics used  
20 for tracking progress under paragraph (1) of this subsection.

21 (3) The State management team may require a project sponsor to perform  
22 and report on water quality monitoring for more than 5 years.

23 **[(j)] (K)** On or before November 1, 2025, and each November 1 thereafter, the  
24 State management team shall report to the General Assembly, in accordance with § 2-1257  
25 of the State Government Article, on the status of each approved project.

26 **[(k)] (L)** (1) The Secretary shall establish a permit tracking dashboard that  
27 provides **[publicly]**:

28 **(I) PUBLICLY** available information on the permit schedules and  
29 requirements for actions that require a State **OR FEDERAL** permit; **AND**

30 **(II) THE PLAN REQUIRED UNDER SUBSECTION (G) OF THIS**  
31 **SECTION REDACTED TO PROTECT ANY CONFIDENTIAL INFORMATION.**

1           (2)    **A PROJECT SPONSOR SHALL PROVIDE QUARTERLY UPDATES TO**  
2 **THE STATE MANAGEMENT TEAM WITH THE INFORMATION NECESSARY FOR THE**  
3 **PERMIT TRACKING DASHBOARD, INCLUDING THE STATUS OF ALL REQUIRED STATE**  
4 **AND FEDERAL PERMITS.**

5           (3)    The permit tracking dashboard shall be made available to the public on  
6 the Department’s website.

7           SECTION 3. AND BE IT FURTHER ENACTED, That, by December 31, 2025, the  
8 Department of the Environment shall:

9           (1)    authorize oyster restoration projects funded in whole or in part by  
10 federal, State, or local governments to be eligible to generate water quality trading credits;  
11 and

12           (2)    develop a process for certifying water quality trading credits generated  
13 by oyster restoration projects.

14           SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of Chapters 558 and  
15 559 of the Acts of the General Assembly of 2024 may not be construed to apply to permit or  
16 license applications submitted to the Department of the Environment before July 1, 2025.

17           SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
18 1, 2025. Section 1 of this Act shall remain effective for a period of 5 years and, at the end of  
19 June 30, 2030, Section 1 of this Act, with no further action required by the General  
20 Assembly, shall be abrogated and of no further force and effect.

Approved:

\_\_\_\_\_  
Governor.

\_\_\_\_\_  
President of the Senate.

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Speaker of the House of Delegates.