



Larry Hogan, Governor
Boyd Rutherford, Lt. Governor
Jeannie Haddaway-Riccio, Secretary
Charles Glass, Deputy Secretary

February 25, 2020

The Honorable Paul G. Pinsky
Chair, Education, Health and Environmental Affairs Committee
2 West Miller Senate Office Building
Annapolis, MD 21401

The Honorable Cheryl C. Kagan
Vice Chair, Education, Health and Environmental Affairs Committee
2 West Miller Senate Office Building
Annapolis, MD 21401

Re: Letter of Information – Senate Bill 711 - Aquaculture – Water Column Leases – Conflict Resolution

Dear Chair Pinsky, Vice Chair Kagan and Committee Members:

The Maryland Department of Nature Resources offers the following information on Senate Bill 711. The bill would require the agency to consider conflict resolution between shoreline property owners and lease applicants before issuing a lease.

The department recognizes the importance of working to resolve conflicts identified by concerned citizens prior to issuing shellfish leases and has implemented these efforts in each case where a conflict with an application has existed in the past. The bill language as drafted would, for water column leases only, ask the department to "consider conflict resolution" between shoreline property owners and lease applicants prior to issuing a lease. It is unclear when the department would be required to consider such resolutions, but the placement of the language in the water column lease location criteria suggests it would potentially need to be considered even before any property owners had an opportunity to submit comments on a proposed project.

The bill also identifies a specific segment of people for which conflict resolution is required to be considered - "shoreline property owners." It is not clear whether this is intended to include only those property owners that are near to the project and might be affected by the proposed lease, or riparian landowners in the State more generally. Overall, the placement of this wording in the location criteria statute for water column leases, and the wording of the bill leave some ambiguity about what is required of the department. In addition, it is not clear who would pay for any conflict resolution if a formal mediation is required by the legislation and if this bill would cost the agency any additional funds in order to implement.

For these reasons, the Maryland Department of Natural Resources respectfully submits to the Committee this information on Senate Bill 711.

Respectfully submitted,
James W. McKitrick
Director, Legislative and Constituent Services

Contact: James W. McKitrick, Director, Legislative and Constituent Services
Jamesw.mckitrick@maryland.gov ♦ 443-510-5013