



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 950 - Aquaculture Lease Applications – Notice, Protests, and Meetings – Alterations

Dear Chair Pinsky, Vice Chair Kagan and Committee Members:

The Maryland Department of Natural Resources is providing the following information on Senate Bill 950.

This bill will require the department to directly notify landowners who are not directly in front of proposed shellfish aquaculture projects but are within 500 feet of the project. This may increase the number of notifications that are sent to members of the public who are not directly affected by the proposed project. The number of landowners who need to be notified will be site specific.

Requiring the department to notify property owners within 500 feet of a proposed submerged land or water column lease instead of property owners "directly in front" of a proposed project may result in (1) the Department sending notice to non-shoreline property owners who would in no way be impacted by the project, and (2) not capturing shoreline property owners who may be affected by a lease in front of their property located more than 500 feet from their shoreline.

Requiring the department to work with every petitioner who opposes a proposed aquaculture lease "to mitigate the concerns raised in the petition" may result in the department wasting time and resources on nonsensical, unreasonable, or invalid concerns about a proposed project. If, for example, a petitioner is concerned that a proposed lease located more than 1,000 feet from petitioner's property may somehow threaten their pet's safety, and the department is required to mitigate that concern, a lease applicant would be required to make unnecessary and unrealistic modifications to mitigate the arbitrary concern. The department currently implements practices and procedures to work through valid concerns raised by petitioners, including informal and formal mediation and settlement conferences organized through the Office of Administrative Hearings.

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The new language added on page 3 of this bill effectively reduces the number of public information meetings held on proposed lease projects, which may lead to less public education, outreach and awareness concerning proposed lease projects. This could, in turn, increase confusion and the perpetuation of misinformation regarding these projects. Under current law, the department is required to hold a public information meeting about a proposed lease project whenever one is requested. The new language proposed in this bill requires public information meetings only if the department determines a person requesting a meeting is "raising a significant public health, safety, or welfare concern." In other words, the person requesting the meeting would have to put forward a basis for holding the meeting, and that basis would need to be a "significant public health, safety, or welfare concern." Aquaculture is a very positive permitted activity in this State, as it provides numerous environmental, economic, and cultural benefits to Marylanders. In the event the department did determine a proposed project presented such a threat, the lease would be denied, or at least substantially modified, in order to remove the threat, and consequently render any public meeting about it unnecessary.

For these reasons, the Maryland Department of Natural Resources respectfully submits to the Committee this information on Senate Bill 950.

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