



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

March 4, 2020

The Honorable Kumar P. Barve
Chair, Environment and Transportation Committee
251 House Office Building
Annapolis, MD 21401

The Honorable Dana Stein
Vice Chair, Environment and Transportation Committee
251 House Office Building
Annapolis, MD 21401

Re: Letter of Support with Amendments – House Bill 1306 - Natural Resources – SAV Protection Zones and Hydraulic Clam Dredges (Aquatic Habitat Protection Act)

Dear Chair Barve, Vice Chair Stein and Committee Members:

The Maryland Department of Nature Resources offers its support for House Bill 1306 should it be amended in conjunction with the bill's proponent. The department has been in discussions with the bill's proponents on several occasions and appreciates their willingness to craft meaningful legislation.

The department is deeply committed to protecting and restoring submerged aquatic vegetation (SAV) in its tidal waters. Great progress has been made in recent years, and Bay grasses have proven resilient in the face of record freshwater flows over an extended two-year period. Despite the huge quantities of silt coming down the Susquehanna River, the upper bay beds sustained relatively small losses. Maryland-wide SAV. Fresh and highly turbid conditions in 2018 did not appreciably impact seagrass beds, and we are moving ever-closer to meeting the state's goal.

As drafted, House Bill 1306 would require complete operational changes to how the department surveys for SAV protection zones and hydraulic clam dredge areas. In order to operate an annual SAV survey, additional staff and additional existing staff would be needed. The same for the hydraulic clam dredge study. There are some issues and unanswered questions regarding key provision.

First and foremost, it is not clear where the 150 foot "buffer" around SAV Protection Zones comes from in any relevant scientific literature or law and regulation in other states. Beyond that, it is not clear how it would be delineated and enforced. Also, the existing language within the statute 4-1006.1(c)(1)(ii) is unclear in relation to the changes made by the bill as it relates to the proposed increase in the SAV "look-back" from three to five years. Allowing an SAV Protection Zone to be opened if that area has had less than 10% density of SAV for the past six years has the potential to leave vulnerable SAV beds.

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Increasing the frequency of updates from every three years to every year is simply untenable both from an administrative and customer service perspective. A significant amount of staff time is required in order to update delineations and produce maps of updated zones, drafting updates for COMAR language, identifying the need for additional buoys and their placement, and buoy deployment. Further, frequent changes to areas may make enforcement difficult. The department is open to updates every two years and to exploring how it can provide annual updates.

Finally, the specifications of the hydraulic clam dredge impact study are also unclear and would need to be further clarified with amendments or taken out of the bill entirely.

For these reasons, the Maryland Department of Natural Resources respectfully submits to the Committee this information on House Bill 1306.

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