



Wes Moore, Governor
Aruna Miller, Lt. Governor
Josh Kurtz, Acting Secretary
Allan Fisher, Deputy Secretary

March 2, 2023

BILL NUMBER: Senate Bill 437 – First Reader

SHORT TITLE: Aquaculture – Tidal Fisheries Advisory Commission, Oyster Advisory Commission, and Leases

DEPARTMENT’S POSITION: SUPPORT WITH AMENDMENTS

EXPLANATION OF DEPARTMENT’S POSITION:

The Department supports Senate Bill 437 with amendments.

The agency believes it is important to keep the integrity of each of its advisory commissions and committees. The Tidal Fisheries Advisory Commission (TFAC) advises the Department on commercial fishing issues, and the Oyster Advisory Commission (OAC) has historically advised the agency on oyster fishery management issues, including matters affecting the wild oyster population. The agency requests that TFAC and OAC not be altered away from its core functions, and supports the sponsor’s amendment to have the core membership, including commercial fishing licensees, of these commissions remain.

The Department also seeks amendments to clarify that the areas to be identified for aquaculture in the new proposed Natural Resources Article, Sec. 4-11A-04 are *submerged* lands adjacent to state-owned properties rather than the state-owned properties themselves. The Department further asks that the bill authorize the Department to determine if there are areas that would qualify as pre-approved areas adjacent to State-owned land rather than require them to be identified and that the new text is moved to its own statute, under Natural Resources Article, Sec. 4-11A-06.1. During the 2021 Legislative Session, the General Assembly repealed a similar statute that authorized the Department to create pre-approved areas for shellfish leasing called aquaculture enterprise zones because those areas were not successful. Amending this bill so as not to require the establishment of pre-approved areas will allow for the most thorough conversation to be had on the concept, and avoid unnecessary effort in the event the Department and its coordinating partners determine that the areas are not suitable for commercial aquaculture.

The Department also supports an amendment to add the authority to create a workgroup under the Aquaculture Coordinating Council to better facilitate communication between advisory groups.

The agency requests an amendment to specify that the 30-day requirement to advertise leases occur after the conclusion of the agency’s review process, so that there is adequate time for inter-agency reviews related to the completed application prior to advertising it. The Department finds informational meetings useful in providing the public with education about aquaculture and the

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lease. Lastly, the Department requests that regulatory processes be considered under the suggested 180-day timeframe for lease issuance, as in certain cases, public shellfish fishery area declassifications would need to be made prior to a lease issuance.

We welcome the opportunity to continue working together with the sponsor and others to finalize amendments proposed on the bill.

BACKGROUND INFORMATION:

None.

BILL EXPLANATION:

The bill, as drafted, changes the membership of the Tidal Fisheries Advisory Commission and Oyster Advisory Commission. The bill also requires the Department to work with stakeholders, other agencies, and the U.S. Army Corp of Engineers to find land adjacent to waterways for aquaculture, and to expedite leasing approval times.