

**SB0303\_DNR\_SUP\_EEE\_1-23-24.pdf**

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Position: FAV



Wes Moore, Governor  
Aruna Miller, Lt. Governor  
Josh Kurtz, Secretary  
David Goshorn, Deputy Secretary

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January 23, 2024

**BILL NUMBER: Senate Bill 303 – First Reader**

**SHORT TITLE: Aquaculture - Definition of Shellfish - Alteration**

**DEPARTMENT’S POSITION: SUPPORT**

**EXPLANATION OF DEPARTMENT’S POSITION**

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The definition of shellfish under Natural Resources Article, Section 4-11A-13 needs to be broadened to include species such as scallops. Without expanding the definition, the state remains vulnerable to imported shellfish with possible diseases which could be brought in and planted by leaseholders. By broadening the definition, the agency would alleviate future issues if other species begin to spread in their natural ranges due to climate change or other environmental events.

**BACKGROUND INFORMATION**

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After the major overhaul of Subtitle 11A in 2009, the Department declared bay scallops as in need of conservation as their numbers had increased and the agency wanted to proceed with caution. With the expansion of coastal scallops in the Coastal Bays since that time, this has become an issue of fish health concern that cannot be addressed until the definition is expanded to include scallops or other shellfish under the definition of shellfish pertaining to importation (in terms of leases).

**BILL EXPLANATION**

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The bill would expand the definition of shellfish under the Natural Resources Article, Section 4-11A-13, to a broader classification of mollusk to include species such as scallops.

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**SB 303 - CBF - FWA.pdf**

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Position: FWA



# CHESAPEAKE BAY FOUNDATION

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*Environmental Protection and Restoration  
Environmental Education*

## **Senate Bill 303**

Aquaculture - Definition of Shellfish – Alteration

Date: January 23, 2024

To: Education, Energy, & Environment Committee

Position:

From:

**Favorable with Amendment**

Allison Colden

MD Executive Director

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Chesapeake Bay Foundation (CBF) **SUPPORTS** Senate Bill 303 **WITH AMENDMENTS**. SB 303 would expand the definition of shellfish as it pertains to aquaculture from oysters and clams to “mollusks and mollusk shells.”

Our understanding of the intent of SB 303 is to allow for the culture of scallops and other bivalve shellfish beyond oysters and clams in the State. However, the use of the term “mollusk” applies to the taxonomic phylum Mollusca, which is the second largest group of invertebrate animals. It includes organisms as varied as cuttlefish, squid, sea slugs, and chitons. The group includes more than 76,000 extant species.

To allow for the expansion of aquaculture to other shellfish species, we recommend an amendment to SB 303 that replaces “mollusks and mollusk shells” with “bivalves and bivalve shells.” The class Bivalvia includes oysters, clams, marine and freshwater mussels, scallops, and cockles. Use of the more specific term “bivalve” would therefore still allow for expansion of aquaculture to other species of interest without being overly broad.

**CBF urges the Committee’s FAVORABLE report WITH AMENDMENTS on SB 303.**

For more information, please contact Matt Stegman, Maryland Staff Attorney, at [mstegman@cbf.org](mailto:mstegman@cbf.org).

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*The Chesapeake Bay Foundation (CBF) is a non-profit environmental education and advocacy organization dedicated to the restoration and protection of the Chesapeake Bay. With over 200,000 members and e-subscribers, including 71,000 in Maryland alone, CBF works to educate the public and to protect the interest of the Chesapeake and its resources.*