

SB0281_DNR_SUP_ENT_3-21-24.pdf

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

March 21, 2024

BILL NUMBER: Senate Bill 281 – Third Reader

SHORT TITLE: Natural Resources - Submerged Aquatic Vegetation - Alteration or Removal Requirements

DEPARTMENT'S POSITION: SUPPORT

EXPLANATION OF DEPARTMENT'S POSITION

The Department supports the alteration of submerged aquatic vegetation (SAV) removal requirements in Maryland's tidal waters. Currently, there is no documentation on the impacts of SAV removal for boating access. Requiring notification, rather than in current law where it is encouraged, will allow documentation on how, where, and when SAV removal is occurring, minimizing the loss of benefits to crucial living and coastal resources that rely on SAV for habitat, food, and other essential ecosystem services.

Additionally, the Department supports reducing the width from 60 feet to 20 feet for when the SAV may be removed without the approval of the Department. This only applies to public utilities, telecommunications, marinas, and property owners seeking ample access to a navigable channel. Lowering this threshold will better align it with other boating access and navigation practices as well as continue to ensure that the Department has better information on SAV removal.

BACKGROUND INFORMATION

Submerged aquatic vegetation (SAV) is a critical measure of Chesapeake Bay health and an important indicator in setting and evaluating progress for Maryland's restoration goals and water clarity attainment. Currently, SAV abundance in Maryland's portion of the Chesapeake Bay is 33% of historical levels. Within Maryland's Coastal Bays, SAV is only 24% of historic levels.

Both underwater grasses and macroalgae provide critical habitat and food for recreationally and commercially important species, like blue crabs, fish, and waterfowl. Underwater grasses also add oxygen to the water, absorb nutrients, sequester carbon, trap sediments, and reduce shoreline erosion. Because they respond quickly to improvements in water quality, underwater grasses are critical measures of progress towards the Chesapeake Bay Watershed Agreement and the Chesapeake Bay Total Maximum Daily Load (TMDL).

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BILL EXPLANATION

This bill makes changes to the rules regarding the removal of submerged aquatic vegetation (SAV) in the tidal waters of Maryland. It now requires, instead of just suggesting, that people notify the Department before removing SAV for boating access. The exemptions for property and marina access are also changed so that they apply to the tidal waters of the State (including the Atlantic Coastal Bays) and only allow trimming or cutting of SAV, not harvesting, cutting, or completely removing the SAV. The bill also reduces the affected width of SAV disturbance from 60 feet to 20 feet, which is in line with other boating access and navigation practices.

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CHESAPEAKE BAY FOUNDATION

*Environmental Protection and Restoration
Environmental Education*

Senate Bill 281

Natural Resources – Submerged Aquatic Vegetation – Alteration or Removal Requirements

Date: March 21, 2024

To: Environment & Transportation Committee

Position: **Favorable**

From: Doug Myers
Maryland Senior Scientist

Chesapeake Bay Foundation (CBF) **SUPPORTS** SB 281 which makes important clarifications and updates to Maryland's submerged aquatic vegetation (SAV) removal statute. The bill will now require, rather than encourage, notification to the Department of Natural Resources (DNR) when SAV removal is proposed. It also reduces from 60' wide to 20' wide the allowed removal of Submerged Aquatic Vegetation to aid navigation. It further expands these requirements to all tidal waters, not just the Chesapeake Bay watershed.

Submerged Aquatic Vegetation is a crucial habitat for many Bay organisms. Blue crabs find cover amongst the leaves during molting. Numerous fish species find cover and food from the grass blades themselves or the rich growth of algae and invertebrates that cover the leaves. Migrating waterfowl graze on the decaying leaves and roots during the winter. This bill's reduction in allowable width of control and restriction to trimming or cutting would allow regrowth of the plant canopy from the roots and protection of carbon sequestration benefit in the below ground biomass as well as some biological habitat. In the case of utility or telecommunications rights of way or wastewater treatment plants, complete removal of the 20' corridor is still allowed.

Both current law and the bill exempt holders of a national pollution discharge elimination system permit or a publicly or privately owned sewage treatment plant from the requirement to consult with DNR prior to SAV trimming or removal. CBF is not advocating for an alteration to this exemption at this time, but note that there is potentially a significant amount of SAV removal or alteration that may occur outside of the supervision of the Department.

CBF urges the Committee's FAVORABLE report on SB 281.

For more information, please contact Matt Stegman, Maryland Staff Attorney, at 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.