



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

December 8, 2020

The Honorable Bill Ferguson
President, The Senate of Maryland
State House, H-107
Annapolis, MD 21401

The Aquaculture Coordinating Council
Tawes State Office Building, E-4
580 Taylor Avenue
Annapolis, MD 21401

The Honorable Adrienne A. Jones
Speaker, Maryland House of Delegates
State House, H-101
Annapolis, MD 21401

The Chesapeake Bay Program
410 Severn Avenue, Suite 109
Annapolis, MD 21403

Re: Submission of Report Leasing and Submerged Aquatic Vegetation

Agency: Maryland Department of Natural Resources

Report Authority: HB 841, Chapter 238 from 2019 (MSAR #12263)

Dear President, Speaker and Committee Chairs:

In accordance with HB 841, Chapter 238 from 2019 Legislative Session, the Department of Natural Resources hereby submits the following:

- (1) the farm-level and cumulative impacts that placing shellfish, bags, nets, or structures on submerged aquatic vegetation with prior written approval from the Department has had on submerged aquatic vegetation and leaseholders;
- (2) the number of leases that have submerged aquatic vegetation present in the lease area and the species, density, and aerial extent of submerged aquatic vegetation in those leases; and
- (3) characteristics of gear types and the nature and frequency of aquaculture practices used on leases where submerged aquatic vegetation is present.

If you have any questions about this submission, please do not hesitate to contact James W. McKittrick, Director, Legislative and Constituent Services at 443-510-5013 or Jamesw.mckittrick@maryland.gov.

Sincerely,

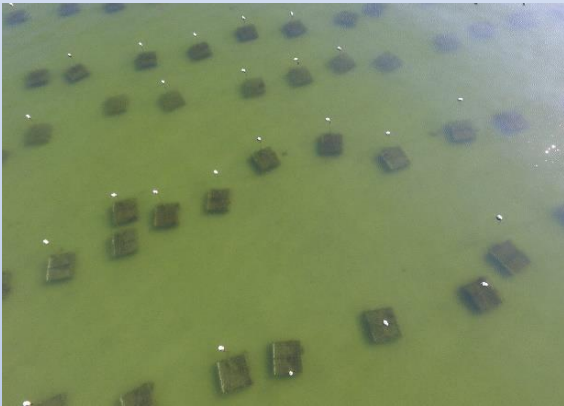
Jeannie Haddaway-Riccio
Secretary

enclosure

cc: Sarah Albert, Legislative Library (5 hard copies)
James W. McKittrick



Report from the Maryland
Department of Natural
Resources to the
Aquaculture Coordinating
Council, Chesapeake Bay
Program and Maryland
General Assembly as
required by House Bill 841



Submerged Aquatic
Vegetation and
Shellfish Leasing

Maryland Department of Natural Resources
Report required by House Bill 841 (2019) to the Aquaculture Coordinating Council, the Chesapeake Bay Program and the Maryland General Assembly on Submerged Aquatic Vegetation and Shellfish Leasing – MSAR 12263

Maryland Law – Shellfish Aquaculture Leasing and Submerged Aquatic Vegetation

Natural Resources Article §4-11A-01 et al., prohibits the issuance of a shellfish lease in an Submerged Aquatic Vegetation (SAV) Protection Zone, defined as an area of SAV as mapped in aerial surveys by the Virginia Institute of Marine Sciences (VIMS) in 1 or more of the 5 years preceding the application for lease.

In June 2019, the provisions in Natural Resources Article §4-11A-10(c) were revised to provide that a leaseholder may not “place shellfish, bags, nets, or structures on Submerged Aquatic Vegetation without prior written approval from the department.” Accordingly, a leaseholder may not work in an area of their lease where SAV exists unless they receive prior written approval from the Maryland Department of Natural Resources.

This law has provided the department with the authority and ability to evaluate requests from leaseholders who desire to work within areas of their respective leases where SAV exists. Under these circumstances and in accordance with the law, the department assesses each request to determine the impact to the leaseholder of SAV-based restrictions, the potential impact of the proposed shellfish aquaculture activities on SAV, and works with the leaseholder to develop an appropriate work plan when possible.

In addition, the 2019 law require the department to provide an annual report to the Aquaculture Coordinating Council, the Chesapeake Bay Program and the Maryland General Assembly on the farm-level and cumulative impacts that placing bags, nets, or structures on SAV with prior written approval from the department has had on SAV, the number of leases that have SAV present in the lease area and the characteristics of gear types and frequencies of aquaculture practices used on leases where SAV is present.

Authorizing the Placement of Shellfish, Bags, Nets or Structures on SAV

- In accordance with the provisions established in Natural Resources Article §4-11A-10(c), the department may approve the placement of shellfish, bags, nets or structures on SAV within the boundaries of a lease when conditions warrant this activity and in doing so, the department:
 - May not authorize harvesting by dredge in areas where SAV is present.
 - Shall authorize, for water column leases, the placement of shellfish, bags, nets or structures in at least 10% of the area where SAV is present.
 - Shall authorize harvest by diving in areas on any submerged land lease where SAV is present.

Report on SAV and Shellfish Lease Interactions for 2019 & 2020

The tables below provide details on the shellfish aquaculture leases identified in CY 19 and CY20 as having SAV growing within their footprint. This information was generated using 2017 and 2018 VIMS SAV Survey data.

2019 SAV & Lease Interactions (2017 VIMS Aerial Survey Data)

Lease Number	Lease Type	Waterbody	Lease Acreage	Acres Impacted (VIMS 2017 Survey)	Field Survey Date	SAV Species Found	2020 Restriction Dates
CA608	WC	Patuxent	2.8	1.7	June 12, 2019	n/a	n/a
CA609	WC	Patuxent	2.3	1.1	June 12, 2019	n/a	n/a
DO672	WC	Tar Bay	5.5	3.4	June 26, 2019	n/a	n/a
DO701	WC	Back Creek	0.9	0.7	June 25, 2019	n/a	n/a
DO728	WC	Long Cove	6.3	0.8	June 25, 2019	n/a	n/a
DO730	WC	Tar Bay	3.1	1.4	June 26, 2019	n/a	n/a
SM641	SLL	St. George Creek	2.0	0.4	June 18, 2019	n/a	n/a
SM711	SLL	St. Ingoes Creek	5.0	1.9	June 20, 2019	Widgeon Grass	April 15 - Oct. 31, 2020
SM719	SLL	St. George Creek	7.1	1.4	June 20, 2019	Widgeon Grass	April 15 - Oct. 31, 2020
SM723	SLL	St. Mary's River	9.0	5.6	June 20, 2019	Widgeon Grass	April 15 - Oct. 31, 2020
SM765	WC	Calvert Bay	26.9	1.5	June 18, 2019	n/a	n/a
SM769	WC	Calvert Bay	8.6	2.6	June 18, 2019	n/a	n/a
SO775	SLL	Big Annemessex	92.1	9.3	May 16, 2019	Horned Pondweed	April 15 - Oct. 31, 2020
TA506	SLL	Irish Creek	3.0	1.8	July 16, 2019	Widgeon Grass	April 15 - Oct. 31, 2020
TA508	SLL	Irish Creek	15.0	11.7	July 16, 2019	Widgeon Grass	April 15 - Oct. 31, 2020
TA510	SLL	Irish Creek	4.7	1.4	July 16, 2019	n/a	n/a
TA511	SLL	Haskins Cove	5.0	1.1	July 16, 2019	Widgeon Grass	April 15 - Oct. 31, 2020
TA516	SLL	Tar Creek	11.0	1.6	August 6, 2019	n/a	n/a
TA520	SLL	Leadenham Creek	2.0	1.7	July 10, 2019	Widgeon Grass	April 15 - Oct. 31, 2020
TA521	SLL	Leadenham Creek	2.0	0.7	July 10, 2019	n/a	n/a
TA523	SLL	Leadenham Creek	3.0	1.7	July 25, 2019	Widgeon Grass	April 15 - Oct. 31, 2020
TA525	SLL	Tred Avon River	10.0	1.6	August 6, 2019	n/a	n/a
TA547	SLL	Cummings Creek	3.0	0.5	July 30, 2019	Widgeon Grass	April 15 - Oct. 31, 2020
TA549	SLL	Harris Creek	5.0	2.3	July 30, 2019	Widgeon Grass	April 15 - Oct. 31, 2020
TA553	SLL	Briary Cove	10.0	1.0	July 30, 2019	n/a	n/a
TA558	SLL	Balls Creek	10.0	1.8	July 9, 2019	Widgeon Grass	April 15 - Oct. 31, 2020
TA559	SLL	Balls Creek	6.2	2.5	July 9, 2019	n/a	n/a
TA562	SLL	Broad Creek	8.0	2.7	July 25, 2019	n/a	n/a
TA563	SLL	Broad Creek	3.0	0.4	July 25, 2019	n/a	n/a
TA567	SLL	Broad Creek	6.0	0.8	July 25, 2019	n/a	n/a
TA571	SLL	Broad Creek	4.0	0.5	August 1, 2019	Widgeon Grass	April 15 - Oct. 31, 2020
TA574	SLL	San Domingo Creek	5.0	4.6	July 18, 2019	Widgeon Grass	April 15 - Oct. 31, 2020
TA579	SLL	San Domingo Creek	5.0	1.0	July 18, 2019	Widgeon Grass	April 15 - Oct. 31, 2020
TA581	SLL	Edge Creek	5.0	5.1	July 9, 2019	Widgeon Grass	April 15 - Oct. 31, 2020
TA585	SLL	Trippe Creek	10.0	5.8	August 6, 2019	Widgeon Grass	April 15 - Oct. 31, 2020
TA588	SLL	Broad Creek	7.0	0.7	August 1, 2019	Widgeon Grass	April 15 - Oct. 31, 2020
TA595	SLL	Tred Avon River	28.0	6.1	August 6, 2019	n/a	n/a
TA598	SLL	Balls Creek	5.0	1.0	July 9, 2019	n/a	n/a
TA601	SLL	Leadenham Creek	11.9	4.1	July 10, 2019	n/a	n/a
TA602	SLL	Elberts Cove	17.6	0.7	July 18, 2019	Widgeon Grass	April 15 - Oct. 31, 2020
TA608	SLL	Edge Creek	5.3	0.9	July 18, 2019	n/a	n/a
TA618	WC	Harris Creek	3.8	0.5	July 30, 2019	n/a	n/a
WO557	SLL	Sinepuxent Bay	12.0	10.8	May 16, 2019	Eel Grass	Mar. 15 - June 15 & Oct. 1 - Dec. 31, 2020

In 2019, the department conducted field surveys on 43 shellfish leases where SAV was identified by VIMS . These surveys were conducted to confirm the presence, extent and species of SAV, which may be growing on these leases. A summary is depicted below:

- 43 leases surveyed (9 water column and 34 submerged land leases)
- SAV confirmed on 20 leases – all submerged land leases
- Widgeon Grass was the dominant species present (18 out of 20 leases)
- Horned Pondweed and Eel Grass were each found on 1 lease
- Partial or full lease area usage restrictions were placed on 20 Submerged Land Leases for 2020: (14 partial and 6 full restrictions)
- Restrictions on usage were all Time of Year based

In cases where conditions warrant establishing a lease usage restriction, the department uses field survey data to map the extent of SAV within the lease, and makes a determination on whether a partial or full lease restriction is needed to protect SAV. Partial restrictions require a leaseholder to avoid working in a particular mapped area of SAV. A full usage restriction is only established when SAV coverage on a lease is so extensive that there are no open areas large enough to effectively work the lease. In both cases, these usage restrictions are only in effect during the SAV growing season when SAV is present. This provides the leaseholder with the opportunity to work restricted areas of their lease at other times.

2020 SAV & Lease Interactions (2018 VIMS Aerial SAV Survey Data)				
Lease Number	Lease Type	Waterbody	Lease Acreage	Acres Impacted (VIMS 2018 Survey)
DO687	WC	Back Creek	0.2	0.03
DO701	WC	Back Creek	0.9	0.4
DO716	WC	Tar Bay	0.2	0.003
DO728	WC	Long cove	6.3	3.0
DO730	WC	Tar Bay	3.1	1.7
SM711	SLL	St. Ingoes Creek	5.0	3.2
SM719	SLL	St. George Creek	7.1	0.7
SM723	SLL	St. Mary's River	9.0	6.7
SM753	WC	Herring Creek	1.9	0.04
SM782	SLL	Smith Creek	3.0	0.1
SO599	SLL	Big Annemessex River	10.0	0.1
SO775	SLL	Big Annemessex River	92.1	1.2
SO776	SLL	Big Annemessex River	61.4	0.2
TA506	SLL	Irish Creek	3.0	1.6
TA508	SLL	Irish Creek	15.0	10.8
TA510	SLL	Irish Creek	4.7	0.3
TA511	SLL	Haskins Cove	5.0	1.0
TA520	SLL	Leadenham Creek	2.0	1.7
TA521	SLL	Leadenham Creek	2.0	0.2
TA523	SLL	Leadenham Creek	3.0	1.7
TA547	SLL	Cummings Creek	3.0	0.6
TA549	SLL	Harris Creek	5.0	2.9
TA551	SLL	Harris Creek	10.0	0.1
TA552	SLL	Harris Creek	5.0	0.1
TA553	SLL	Briary Cove	10.0	1.1
TA558	SLL	Balls Creek	10.0	1.1
TA559	SLL	Balls Creek	6.2	2.1
TA562	SLL	Broad Creek	8.0	2.4
TA563	SLL	Broad Creek	3.0	0.3
TA567	SLL	Broad Creek	6.0	1.2
TA571	SLL	Broad Creek	4.0	0.4
TA574	SLL	San Domingo Creek	5.0	2.8
TA575	SLL	San Domingo Creek	5.0	1.0
TA578	SLL	San Domingo Creek	5.0	0.5
TA579	SLL	San Domingo Creek	5.0	1.6
TA581	SLL	Edge Creek	5.0	7.2
TA585	SLL	Trippe Creek	10.0	2.3
TA586	SLL	Trippe Creek	5.0	0.2
TA588	SLL	Broad Creek	7.0	0.5
TA598	SLL	Balls Creek	5.0	1.6
TA599	SLL	Irish Creek	0.1	0.1
TA600	SLL	Irish Creek	0.3	0.03
TA601	SLL	Leadenham Creek	11.9	0.4
TA602	SLL	Elberts Cove	17.6	0.2
TA608	SLL	Edge Creek	5.3	1.7
TA618	WC	Harris Creek	3.8	0.003
TA623	SLL	Edge Creek	7.7	0.2
WO557	SLL	Sinepuxent Bay	12.0	No aerial imagery

In 2020, the department used the 2018 VIMS Survey data and identified 48 shellfish leases where SAV was found within the footprint of the respective lease. During this year's SAV growing season, the department was unable to conduct field surveys to confirm the presence, extent and species of SAV on these leases due to the COVID-19 pandemic. This is due to the fact that surveys could not be conducted in accordance with established U.S. Center for Disease Control guidelines on physical distancing. A summary is depicted below:

- 48 leases identified as having SAV within their footprint: 7 water column and 41 submerged land leases
- Total area impacted varies widely on leases from .003 to 10.8 acres

The department has not received any requests from leaseholders to place shellfish, bags, nets or structures in areas of SAV that were found to be growing within their leases in 2019 or in the first half of 2020. Consequently, the department has not provided any written approvals to leaseholders authorizing them to work in areas of SAV on their respective leases.

*For additional information, please contact:
Maryland Department of Natural Resources
Aquaculture and Industry Enhancement Division*

*Karl Roscher, Director
Tawes State Office Building
580 Taylor Avenue
Annapolis, Maryland 21401*

*Phone: 410-260-8313
Email: karl.roscher@maryland.gov*