

# SUBMERGED AQUATIC VEGETATION AND SHELLFISH LEASING

FY25 Report

SB 301/Ch. 113, Section 2, 2024

Department of Natural Resources

May 2026



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

May 26, 2026

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

The Honorable Joseline A. Peña-Melnyk  
Speaker, Maryland House of Delegates  
State House, H-101  
Annapolis, MD 21401

The Aquaculture Coordinating Council  
Tawes State Office Building, E-4  
580 Taylor Avenue  
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:** SB 301/Chapter 113, Section 2, 2024 (MSAR #15588)

Dear President, Speaker and Committee Chairs:

In accordance with SB 301, Chapter 113, Section 2 from the 2024 Legislative Session, the Department of Natural Resources hereby submits the following information as required:

- (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;
- (3) characteristics of gear types and the nature and frequency of aquaculture practices used on leases where submerged aquatic vegetation is present; and
- (4) any other information the Department considers necessary.

If you have any questions about this submission, please do not hesitate to contact me.

Sincerely,

Josh Kurtz  
Secretary

enclosure

cc: Sarah Albert, Legislative Library (5 hard copies)  
Lydia McPherson, Constituent and Legislative Director

Tawes State Office Building – 580 Taylor Avenue – Annapolis, Maryland 21401  
410-260-8DNR or toll free in Maryland 877-620-8DNR – [dnr.maryland.gov](http://dnr.maryland.gov) – TTY Users Call via the Maryland Relay

## **Maryland Department of Natural Resources**

### **2025 Annual Report required by SB 301, Ch. 113 in 2024 to the Aquaculture Coordinating Council, Chesapeake Bay Program, and Maryland General Assembly on Submerged Aquatic Vegetation and Shellfish Leasing**

#### **Introduction**

In accordance with SB 301, Chapter 113 from the 2024 Legislative Session, the Department of Natural Resources (Department) is required to submit an annual report that addresses the following:

- The farm-level and cumulative impacts that placing shellfish, bags, nets, or structures on submerged aquatic vegetation, with prior written approval from the Department, had on submerged aquatic vegetation and leaseholders;
- 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
- Characteristics of gear types and the nature and frequency of aquaculture practices used on leases where submerged aquatic vegetation is present.

#### **Maryland Law – Shellfish Aquaculture Leasing and Submerged Aquatic Vegetation**

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

In June 2019, Natural Resources Article §4-11A-10(c) was 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* [emphasis added]”. 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 change in law provides the Department the authority and ability to accept and evaluate requests from leaseholders 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 from restrictions due to submerged aquatic vegetation, the potential impact of the proposed shellfish aquaculture activities on SAV, and works with the leaseholder to develop an appropriate work plan when possible. SB301 (2024) extended this authority until June 30, 2027.

The 2019 and 2024 revisions to the law require the Department to provide an annual report to the Aquaculture Coordinating Council, Chesapeake Bay Program, and Maryland General Assembly on the farm-level and cumulative impacts that “placing bags, nets, or structures on submerged aquatic vegetation”, with prior written approval from the Department, had on SAV, the number of leases that have SAV present, 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 Submerged Aquatic Vegetation***

- As outlined in 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 submerged aquatic vegetation is present.”
  - “Shall authorize for water column leases the placement of shellfish, bags, nets or structures in at least 10% of the area where submerged aquatic vegetation is present.”
  - “Shall authorize harvest by diving in areas on any submerged land lease where submerged aquatic vegetation is present.”

### **Farm-Level and Cumulative Impacts of Submerged Aquatic Vegetation and Shellfish Lease Interactions: 2025**

In 2025, 55 of 474 active shellfish leases were flagged for potential SAV encroachment based on VIMS aerial imagery<sup>1,2</sup>. An additional four leases that were not identified by the 2023 VIMS aerial imagery were surveyed after finding grass during field surveys the previous year, bringing the total flagged leases to 59. Field surveys conducted during the 2024 growing season confirmed SAV presence on 43 of these sites (4 water column and 39 submerged land leases). Consistent with previous years, impacted leases were geographically clustered primarily within Charles, Dorchester, St. Mary's, Talbot, and Worcester Counties.

The extent of SAV coverage varied significantly by site based on aerial imagery, ranging from 0.002% to 100% of individual lease areas (Mean: 33%; Median: 24%). In absolute terms, this represented between 0.01 and 9.18 acres per lease (Mean: 1.9 acres; Median: 1.1 acres). Collectively, SAV occupied 95.8 acres within the 292.2 total acres of the 43 impacted leases. Industry-wide, 9.1% of all leases faced SAV-related restrictions, affecting roughly 1% of total leased acreage (95.8 of 7,750 acres) and representing 0.22% of Maryland's estimated 43,564 total SAV acres.<sup>1</sup>

In 2025, the Department conducted field surveys on 46 of the 59 shellfish leases where submerged aquatic vegetation was identified by the Virginia Institute of Marine Science's aerial survey and previous field surveys. Four leases were excluded for a variety of reasons including: adjustments of GIS data, minimal impact of a leased area due to irregular lease polygons, Departmental knowledge of absence of submerged aquatic vegetation based on recent field visits, etc. These surveys were conducted to confirm the presence, extent, and species of submerged aquatic vegetation that may be present in the area defined by these leases. Field survey results for the 46 surveyed sites are summarized below (detailed lease-level data is available in Appendix A):

- Confirmed SAV presence on 43 leases (4 water column, 39 submerged land);

- Species Dominance: Widgeon Grass was found on 42 leases; Eelgrass was identified on 1 water column lease;
- 2026 Restrictions: 40 leases received seasonal usage restrictions based on species-specific growing cycles;
  - 37 Submerged Land Leases (26 partial, 11 full restrictions);
  - 3 Water Column Leases (3 partial restrictions).

In cases where conditions warrant establishing a lease usage restriction, the Department uses field survey data to map the extent of submerged aquatic vegetation within the lease and makes a determination on whether a general, partial, or full-lease restriction is required to protect submerged aquatic vegetation. A full-usage restriction is only established when submerged aquatic vegetation coverage on a lease is so extensive that there are no open areas large enough to effectively work the lease. Partial restrictions require a leaseholder to avoid working in a particular mapped area of a given lease where submerged aquatic vegetation was found. General restrictions are put in place when some grass is found, but is sporadic enough not to initiate a partial restriction and requires a leaseholder to avoid any operations that may impact grasses, if they encounter any. In partial and full-lease restrictions, usage restrictions are only in effect during the submerged aquatic vegetation growing season. This provides the leaseholder the opportunity to work their lease at other times. Currently, restrictions for the presence of widgeon grass occur April 15 through October 31, and restrictions for eelgrass occur from March 15 through June 15 and again from October 1 through December 31. During these times the only authorized use of the restricted area is to harvest by diving and only on submerged land leases. 2022 was the first, and only, year the Department received and approved a request from leaseholders to “place shellfish, bags, nets or structures in areas of submerged aquatic vegetation” that were found to be growing within their leases. Twenty-five percent of the 1.1 acre restricted area was approved. This lease is located just outside of a large persistent widgeon grass bed and the grass has advanced into the long-established lease area.

To further study the interactions between water column shellfish aquaculture and submerged aquatic vegetation, the Department funded researchers at the University of Maryland Center for Environmental Science to investigate this interaction. Results are not available at the time of this report. The researchers are working with the Maryland Aquaculture Coordinating Council to revise and update a 2017 SAV report (Feb. 01, 2018, MSAR 11222), which will include these data.

## Appendix A

**Table 1: 2025 Submerged Aquatic Vegetation & Lease Interactions**

| Lease Number | Lease Type | Waterbody         | Lease Acreage | Acres Impacted (VIMS 2023 Survey) | 2025 Field Survey Date | Species Found | 2026 Restriction Dates |
|--------------|------------|-------------------|---------------|-----------------------------------|------------------------|---------------|------------------------|
| CH515        | WC         | Neale Sound       | 7.9           | 7.96                              | 8/6/2025               | Widgeon Grass | April 15 - October 31  |
| DO723        | WC         | Choptank River    | 4.1           | 0.32                              | N/A                    | N/A           | N/A                    |
| DO728        | WC         | Long Cove         | 6.3           | -                                 | 8/13/2025              | Widgeon Grass | April 15 - October 31  |
| SM525        | SLL        | Jutland Creek     | 3             | 2.51                              | 8/11/2025              | Widgeon Grass | April 15 - October 31  |
| SM527        | SLL        | Smith Creek       | 5.7           | 3.62                              | 8/11/2025              | Widgeon Grass | April 15 - October 31  |
| SM641        | SLL        | St. George Creek  | 2.3           | 1.04                              | 8/28/2025              | Widgeon Grass | April 15 - October 31  |
| SM711        | SLL        | St. Inigoes Creek | 5             | 1.48                              | 8/14/2025              | Widgeon Grass | April 15 - October 31  |
| SM719        | SLL        | St. George Creek  | 7.1           | 5.66                              | 8/28/2025              | Widgeon Grass | April 15 - October 31  |
| SM723        | SLL        | St. Marys River   | 9             | 6.39                              | 8/14/2025              | Widgeon Grass | April 15 - October 31  |

| Lease Number | Lease Type | Waterbody          | Lease Acreage | Acres Impacted (VIMS 2023 Survey) | 2025 Field Survey Date | Species Found | 2026 Restriction Dates |
|--------------|------------|--------------------|---------------|-----------------------------------|------------------------|---------------|------------------------|
| SM748        | WC         | Calvert Bay        | 3.2           | 1.38                              | 8/14/2025              | N/A           | -                      |
| SM752        | SLL        | St. Patricks Creek | 4.1           | 0.07                              | N/A                    | N/A           | N/A                    |
| SM753        | WC         | Herring Creek      | 4.5           | 0.39                              | N/A                    | N/A           | N/A                    |
| SM754        | SLL        | St. George Creek   | 3.3           | 1.00                              | 8/28/2025              | Widgeon Grass | April 15 - October 31  |
| SM760        | SLL        | St. George Creek   | 3.78          | 0.05                              | N/A                    | N/A           | N/A                    |
| SM769        | WC         | Calvert Bay        | 8.6           | 4.16                              | 8/14/2025              | Widgeon Grass | -                      |
| SM782        | SLL        | Smith Creek        | 3             | 0.79                              | 8/11/2025              | N/A           | -                      |
| SM784        | WC         | Calvert Bay        | 2.5           | 1.74                              | 8/14/2025              | N/A           | -                      |
| SM786        | SLL        | Carthagen Creek    | 4.3           | 1.02                              | 8/14/2025              | Widgeon Grass | April 15 - October 31  |
| SM792        | WC         | St. Clements Bay   | 0.4           | 0.29                              | N/A                    | N/A           | N/A                    |
| SM795        | SLL        | St. Clement's Bay  | 15.2          | 0.11                              | N/A                    | N/A           | N/A                    |

| Lease Number | Lease Type | Waterbody        | Lease Acreage | Acres Impacted (VIMS 2023 Survey) | 2025 Field Survey Date | Species Found | 2026 Restriction Dates |
|--------------|------------|------------------|---------------|-----------------------------------|------------------------|---------------|------------------------|
| SM805        | SLL        | Smith Creek      | 11.2          | 0.35                              | N/A                    | N/A           | N/A                    |
| SM821        | SLL        | St George Creek  | 18.9          | 3.12                              | 8/14/2025              | Widgeon Grass | April 15 - October 31  |
| SM825        | SLL        | St. Mary's River | 5.2           | 0.03                              | N/A                    | N/A           | N/A                    |
| TA506        | SLL        | Irish Creek      | 3             | 1.66                              | 7/18/2025              | Widgeon Grass | April 15 - October 31  |
| TA508        | SLL        | Irish Creek      | 18.8          | 7.93                              | 7/23/2025              | Widgeon Grass | April 15 - October 31  |
| TA510        | SLL        | Irish Creek      | 4.7           | 0.90                              | 7/18/2025              | Widgeon Grass | April 15 - October 31  |
| TA511        | SLL        | Haskins Cove     | 5             | 0.86                              | 7/18/2025              | Widgeon Grass | April 15 - October 31  |
| TA520        | SLL        | Leadenham Creek  | 5.1           | 1.52                              | 6/30/2025              | Widgeon Grass | April 15 - October 31  |
| TA521        | SLL        | Leadenham Creek  | 2.4           | 0.006                             | N/A                    | N/A           | N/A                    |
| TA523        | SLL        | Leadenham Creek  | 3             | 0.89                              | 6/30/2025              | Widgeon Grass | April 15 - October 31  |
| TA525        | SLL        | Tred Avon River  | 10.4          | 0.85                              | 9/11/2025              | Widgeon Grass | April 15 - October 31  |



| Lease Number | Lease Type | Waterbody      | Lease Acreage | Acres Impacted (VIMS 2023 Survey) | 2025 Field Survey Date | Species Found | 2026 Restriction Dates |
|--------------|------------|----------------|---------------|-----------------------------------|------------------------|---------------|------------------------|
| TA547        | SLL        | Cummings Creek | 2.1           | 0.94                              | 6/25/2025              | Widgeon Grass | April 15 - October 31  |
| TA549        | SLL        | Harris Creek   | 5             | 7.29                              | 7/30/2025              | Widgeon Grass | April 15 - October 31  |
| TA551        | SLL        | Harris Creek   | 17.5          | 0.99                              | 6/26/2025              | Widgeon Grass | April 15 - October 31  |
| TA552        | SLL        | Harris Creek   | 5             | 0.78                              | 6/25/2025              | Widgeon Grass | April 15 - October 31  |
| TA555        | SLL        | Harris Creek   | 8             | 0.60                              | 6/26/2025              | Widgeon Grass | April 15 - October 31  |
| TA558        | SLL        | Balls Creek    | 10            | 1.09                              | 7/14/2025              | Widgeon Grass | April 15 - October 31  |
| TA559        | SLL        | Balls Creek    | 6.2           | 1.82                              | 7/8/2025               | Widgeon Grass | April 15 - October 31  |
| TA562        | SLL        | Broad Creek    | 11.3          | 3.60                              | 6/30/2025              | Widgeon Grass | April 15 - October 31  |
| TA563        | SLL        | Broad Creek    | 3             | 0.74                              | 6/30/2025              | Widgeon Grass | April 15 - October 31  |
| TA567        | SLL        | Broad Creek    | 6             | 1.18                              | 6/30/2025              | Widgeon Grass | April 15 - October 31  |
| TA571        | SLL        | Broad Creek    | 4             | -                                 | 7/8/2025               | Widgeon Grass | April 15 - October 31  |

| Lease Number | Lease Type | Waterbody         | Lease Acreage | Acres Impacted (VIMS 2023 Survey) | 2025 Field Survey Date | Species Found | 2026 Restriction Dates |
|--------------|------------|-------------------|---------------|-----------------------------------|------------------------|---------------|------------------------|
| TA574        | SLL        | San Domingo Creek | 5             | 4.46                              | 7/16/2025              | Widgeon Grass | April 15 - October 31  |
| TA575        | SLL        | San Domingo Creek | 5             | 0.78                              | 7/24/2025              | Widgeon Grass | April 15 - October 31  |
| TA578        | SLL        | San Domingo Creek | 5             | 0.86                              | 7/24/2025              | Widgeon Grass | April 15 - October 31  |
| TA579        | SLL        | San Domingo Creek | 5             | 1.59                              | 7/14/2025              | Widgeon Grass | April 15 - October 31  |
| TA580        | SLL        | San Domingo Creek | 12.5          | 0.41                              | N/A                    | N/A           | N/A                    |