

SENATE BILL 428

M2, M4, M1

5lr0359
CF 5lr0360

By: **The President (By Request – Administration) and Senators Brooks, Ellis, Gile, Henson, Hettleman, Kagan, Lam, Love, M. Washington, and West**

Introduced and read first time: January 20, 2025

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Chesapeake Bay Legacy Act**

3 FOR the purpose of establishing the Maryland Leaders in Environmentally Engaged
4 Farming (LEEF) Program; establishing the Maryland Leaders in Environmentally
5 Engaged Farming (LEEF) Program Fund as a special, nonlapsing fund; altering the
6 definition of “healthy soils” for purposes of the Maryland Healthy Soils Program;
7 exempting certain holders of certain fishing licenses from the requirement to obtain
8 a food establishment license from the Maryland Department of Health; establishing
9 the Water Quality Monitoring Program; altering provisions of law regarding
10 fisheries management plans, including the entities required to be consulted,
11 circumstances under which a plan may be prepared, authorizing rather than
12 requiring that certain measures be adopted by regulation, and the location of certain
13 public hearings; altering application and public informational meeting requirements
14 and authorizations for certain submerged land or water column leases; altering
15 reporting requirements for the leaseholder of certain aquaculture and submerged
16 land leases; authorizing the Department of Natural Resources to lease certain land
17 to a person implementing practices that support healthy soils and regenerative
18 practices and traditions; establishing a process to develop a plan for permitting and
19 expediting the permitting of certain projects under the Whole Watershed Restoration
20 Partnership; requiring the Department of the Environment, by a certain date, to
21 authorize certain projects to be eligible to generate water quality trading credits and
22 develop a process for certifying the credits; providing that certain provisions of law
23 regarding stream and floodplain restoration projects may not be construed to apply
24 to permit or license applications submitted before a certain date; and generally
25 relating to the Chesapeake and Atlantic Coastal Bays watershed.

26 BY adding to

27 Article – Agriculture

28 Section 2–2401 through 2–2405 to be under the new subtitle “Subtitle 24. Maryland
29 Leaders in Environmentally Engaged Farming (LEEF) Program”

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Annotated Code of Maryland
(2016 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, with amendments,
Article – Agriculture
Section 2–1901(a) and 8–706
Annotated Code of Maryland
(2016 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, without amendments,
Article – Health – General
Section 21–305(a)
Annotated Code of Maryland
(2023 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 21–305(b)
Annotated Code of Maryland
(2023 Replacement Volume and 2024 Supplement)

BY adding to
Article – Natural Resources
Section 3–1101 to be under the new subtitle “Subtitle 11. Water Quality Monitoring
Program”; 4–11A–09(h); and 5–2101 and 5–2102 to be under the new subtitle
“Subtitle 21. Agriculture Leases on Department Land”
Annotated Code of Maryland
(2023 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 4–215, 4–11A–09(g), 4–11A–14, and 8–2B–02
Annotated Code of Maryland
(2023 Replacement Volume and 2024 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Agriculture

SUBTITLE 24. MARYLAND LEADERS IN ENVIRONMENTALLY ENGAGED FARMING (LEEF) PROGRAM.

2–2401.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “COMMUNITY BEST PRACTICE” MEANS A FARM’S OR FARMER’S DEMONSTRATED ENGAGEMENT WITH MARYLAND COMMUNITIES AS IT RELATES TO:

(1) THE PRODUCTION, SALE, OR DISTRIBUTION OF MARYLAND FARM PRODUCTS; OR

(2) PROVIDING SERVICE TO AN ORGANIZATION WHOSE FOCUS IS ADVANCING MARYLAND’S AGRICULTURAL INDUSTRY, ENVIRONMENTAL OUTCOMES, CONSERVATION PRACTICES, OR AGRICULTURAL RESEARCH AND EDUCATION.

(C) “CONSERVATION PRACTICE” MEANS AN AGRICULTURAL PRACTICE THAT:

(1) PREVENTS OR TREATS PROBLEMS WITH SOIL, WATER, AIR, PLANT, OR ANIMAL SOURCES OF POLLUTION; AND

(2) HAS A STANDARD METHOD OF CONSTRUCTION OR APPLICATION THAT IS DEVELOPED BY THE NATURAL RESOURCES CONSERVATION SERVICE AND LISTED IN THE SERVICE’S MARYLAND FIELD OFFICE TECHNICAL GUIDE.

(D) “PROGRAM” MEANS THE MARYLAND LEADERS IN ENVIRONMENTALLY ENGAGED FARMING (LEEF) PROGRAM ESTABLISHED UNDER § 2-2402 OF THIS SUBTITLE.

2-2402.

(A) THERE IS A MARYLAND LEADERS IN ENVIRONMENTALLY ENGAGED FARMING (LEEF) PROGRAM.

(B) THE PURPOSES OF THE PROGRAM ARE TO:

(1) INVIGORATE STRATEGIES TO:

(I) REDUCE NUTRIENTS IN SUPPORT OF CHESAPEAKE BAY WATERSHED RESTORATION;

(II) MITIGATE FARM EMISSIONS AND INCREASE CARBON SEQUESTRATION IN ACCORDANCE WITH MARYLAND’S CLIMATE POLLUTION REDUCTION PLAN; AND

(III) ALIGN ENVIRONMENTAL GOALS AND INITIATIVES OF THE DEPARTMENT AND THE STATE WHILE ENHANCING FARM PROFITABILITY;

(2) PROVIDE PRODUCERS WITH GREATER INCENTIVES TO VOLUNTARILY PARTICIPATE IN THE ADOPTION OF MULTIPLE CONSERVATION PRACTICES AND COMMUNITY BEST PRACTICES WITHIN INDIVIDUAL AGRICULTURAL OPERATIONS OR ACROSS MULTIPLE OPERATIONS THAT ARE IN CLOSE PROXIMITY TO ONE ANOTHER;

(3) ESTABLISH TIERS OF RECOGNITION FOR PRODUCERS TO BE EVALUATED FOR PROGRAM CERTIFICATION; AND

(4) PROVIDE STATE FUNDS TO INCENTIVIZE THE COORDINATED ADOPTION OF CONSERVATION PRACTICES AND COMMUNITY BEST PRACTICES TO ACHIEVE ENVIRONMENTAL, SOCIAL, AND CLIMATE RESILIENCY BENEFITS AND NUTRIENT AND SEDIMENT REDUCTION.

2-2403.

TO CARRY OUT THE PURPOSES OF THE PROGRAM THE DEPARTMENT SHALL, SUBJECT TO THE DISCRETION OF THE SECRETARY:

(1) ASSIGN A PROGRAM ADMINISTRATOR AND PROVIDE FOR ADEQUATE ADMINISTRATIVE SUPPORT;

(2) IN CONSULTATION WITH MEMBERS OF THE AGRICULTURAL, CONSERVATION, ENVIRONMENTAL, AND HIGHER EDUCATION COMMUNITIES, DEVELOP AND PROMOTE A SUITE OF CONSERVATION PRACTICES AND COMMUNITY BEST PRACTICES ELIGIBLE FOR THE PROGRAM, INCLUDING:

(I) CONSERVATION TILLAGE;

(II) NUTRIENT INPUT REDUCTION;

(III) COVER CROP PLANTINGS;

(IV) USE OF NATURAL FILTERS;

(V) CONSERVING AND INCREASING WILDLIFE AND POLLINATOR HABITATS;

(VI) HEALTHY SOILS PRACTICES;

(VII) FACILITATING WORK EXPERIENCE FOCUSED ON AGRICULTURE IN UNDERSERVED COMMUNITIES;

(VIII) LIAISING BETWEEN THE DEPARTMENT AND UNDERSERVED COMMUNITIES TO FACILITATE OUTREACH AND IDENTIFY BARRIERS TO DEPARTMENT PROGRAMS REACHING BROADER AUDIENCES;

(IX) PARTICIPATING IN THE FARMERS' MARKET NUTRITION PROGRAM;

(X) PARTNERING WITH FOOD BANKS OR NONPROFIT ORGANIZATIONS TO ADDRESS FOOD INSECURITY;

(XI) PARTICIPATING IN THE CERTIFIED LOCAL FARM AND FISH PROGRAM;

(XII) USING ON-FARM RENEWABLE ENERGY;

(XIII) MENTORING NEW AND BEGINNING FARMERS; AND

(XIV) PARTNERING WITH AN INSTITUTION OF HIGHER EDUCATION OR QUALIFIED TECHNICAL SERVICE PROVIDER TO CONDUCT FIELD-BASED RESEARCH;

(3) IN CONSULTATION WITH MEMBERS OF THE AGRICULTURAL, CONSERVATION, ENVIRONMENTAL, AND HIGHER EDUCATION COMMUNITIES, DEVELOP CRITERIA AND APPROPRIATE EVALUATION MEASURES TO ESTABLISH THE TIERS OF RECOGNITION FOR PROGRAM CERTIFICATION THAT INCLUDES CONSIDERATION OF:

(I) PROXIMITY OF A CONSERVATION PRACTICE OR COMMUNITY BEST PRACTICE TO WATERS OF THE STATE;

(II) THE EXTENT TO WHICH A CONSERVATION PRACTICE OR COMMUNITY BEST PRACTICE PROTECTS OR RESTORES THE CHESAPEAKE AND ATLANTIC COASTAL BAYS CRITICAL AREA OR OTHER AREA DESIGNATED FOR REGULATION OR SPECIAL PROTECTION UNDER A FEDERAL OR STATE LAW; AND

(III) THE EXTENT TO WHICH A CONSERVATION PRACTICE OR COMMUNITY BEST PRACTICE ENGAGES WITH AND BENEFITS OVERBURDENED AND UNDERSERVED COMMUNITIES;

(4) EVALUATE APPLICATIONS ON A CONTINUING BASIS AND
CONFIRM PARTICIPANT COMPLIANCE WITH PROGRAM CRITERIA; AND

(5) COORDINATE WITH THE DEPARTMENT OF NATURAL RESOURCES,
THE DEPARTMENT OF THE ENVIRONMENT, AND THE MARYLAND ENERGY
ADMINISTRATION, AS APPROPRIATE, TO ESTABLISH INCENTIVES FOR
PARTICIPATION IN THE PROGRAM.

2-2404.

(A) IN THIS SECTION, "FUND" MEANS THE MARYLAND LEADERS IN
ENVIRONMENTALLY ENGAGED FARMING (LEEF) PROGRAM FUND.

(B) THERE IS A MARYLAND LEADERS IN ENVIRONMENTALLY ENGAGED
FARMING (LEEF) PROGRAM FUND IN THE DEPARTMENT.

(C) THE DEPARTMENT SHALL ADMINISTER THE FUND.

(D) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE
COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(E) THE FUND, FOR FISCAL YEARS 2026 THROUGH 2031, MAY RECEIVE UP
TO \$2,000,000 PER YEAR OF THE MONEY THAT:

(1) IS APPROPRIATED IN THE ANNUAL STATE BUDGET TO FUND TREE
PLANTING UNDER § 8-706 OF THIS ARTICLE; AND

(2) THE DEPARTMENT DETERMINES WILL NOT BE ABLE TO BE USED
FOR THE TREE PLANTINGS.

(F) THE FUND MAY BE USED ONLY TO:

(1) SUPPORT ACTIONS ASSOCIATED WITH FULFILLING THE
PROGRAM'S PURPOSE; AND

(2) COVER NOT MORE THAN 20% OF THE DEPARTMENT'S
ADMINISTRATIVE COSTS TO ADMINISTER THE PROGRAM.

2-2405.

THE DEPARTMENT MAY ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.

8-706.

(a) To maximize participation in the Conservation Reserve Enhancement Program, in fiscal years 2023 through 2031, inclusive, a landowner who enrolls land planted with a forested streamside buffer shall receive a one-time signing bonus of up to \$1,000 per acre of land enrolled.

(b) Signing bonuses provided under this section shall be funded with:

(1) Money appropriated under subsection (c) of this section; and

(2) The amount specified in § 9–1605.2(i)(11)(i) of the Environment Article.

(c) (1) For fiscal years 2024 through 2031, in each year the Governor shall appropriate \$2,500,000 in the annual State budget to fund [tree]:

(I) TREE planting under this section and other tree planting programs on agricultural land; AND

(II) THE MARYLAND LEADERS IN ENVIRONMENTALLY ENGAGED FARMING (LEEF) PROGRAM FUND IN ACCORDANCE WITH § 2–2404 OF THIS ARTICLE.

(2) Money appropriated under this subsection is supplemental to and may not take the place of funding that would otherwise be appropriated for tree plantings under this section and other tree planting programs on agricultural land.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Agriculture

2–1901.

(a) (1) In this subtitle the following words have the meanings indicated.

(2) **(I)** “Healthy soils” means the continuing capacity of soil to:

[(i)] 1. Function as a biological system;

[(ii)] 2. Increase soil organic matter;

[(iii)] 3. Improve soil structure and water and nutrient holding capacity; and

[(iv)] 4. Sequester carbon and reduce greenhouse gas emissions.

(II) “HEALTHY SOILS” MAY INCLUDE REGENERATIVE PRACTICES AND TRADITIONS.

(3) “Program” means the Maryland Healthy Soils Program.

(4) (I) “REGENERATIVE PRACTICES AND TRADITIONS” MEANS A FORM OF LAND MANAGEMENT AND STEWARDSHIP APPROACHES AND PRACTICES THAT:

1. DRAWS ON TRADITIONS AND INNOVATIONS FROM AFRICAN, INDIGENOUS, AND ORIGINAL LAND STEWARDS;

2. PROMOTES CULTURALLY IMPORTANT FOOD AND CLIMATE JUSTICE PROGRAMS AND INITIATIVES; AND

3. ENHANCES THE LAND AND ECOSYSTEM THROUGH ADAPTIVE LAND MANAGEMENT PRACTICES THAT IMPROVE SOIL HEALTH AND WATER QUALITY, RESTORE BIODIVERSITY, MITIGATE CLIMATE CHANGE IMPACTS, AND PROVIDE THE GREATEST COMMUNITY BENEFITS.

(II) “REGENERATIVE PRACTICES AND TRADITIONS” INCLUDES PRACTICES SUCH AS PRODUCING FOOD IN THE STATE FOR DISTRIBUTION WITHIN THE STATE.

Article – Health – General

21–305.

(a) Except as otherwise provided in this subtitle, a person may not operate a food establishment unless the person is licensed by the Department.

(b) (1) A separate license is required for each food establishment that a person owns or operates.

(2) Except in Baltimore City, the provisions of this subsection may require a license for each location where vending machines are operated, but may not require a separate license for each individual vending machine.

(3) Except in Baltimore City, vending machine locations used exclusively for prepackaged and commercially sealed foods that are not potentially hazardous, as defined by regulation, are not required to be licensed.

(4) In Baltimore City, a license may be required for each individual vending machine.

(5) (i) An excluded organization may operate a food establishment without a license unless the excluded organization has been issued a license under § 21–304(a)(2)(ii) of this subtitle.

(ii) If the Department adopts regulations governing excluded organizations serving potentially hazardous foods prepared in a private kitchen, an excluded organization shall meet any requirements in the regulations.

(6) A license is not required for a person who:

(i) Produces shell eggs;

(ii) Sells the shell eggs directly to the public; and

(iii) Is registered with or inspected by the Secretary of Agriculture under § 4–310 or § 4–311.1 of the Agriculture Article.

(7) **A LICENSE IS NOT REQUIRED FOR A PERSON WHO:**

(I) IS LICENSED BY THE DEPARTMENT OF NATURAL RESOURCES UNDER § 4–701 OR § 4–701.1 OF THE NATURAL RESOURCES ARTICLE; AND

(II) HARVESTS AND PROCESSES FINFISH ON A VESSEL BY IKEJIME FOR DIRECT SALE TO RESTAURANTS.

(8) Except as provided in § 21–304 of this subtitle, nothing in this subtitle shall preempt the right of a county to require a permit under the authority provided by a local law, ordinance, or regulation if this subtitle does not require the food establishment to obtain a State license.

Article – Natural Resources

SUBTITLE 11. WATER QUALITY MONITORING PROGRAM.

3–1101.

(A) THERE IS A WATER QUALITY MONITORING PROGRAM WITHIN THE DEPARTMENT.

(B) THE PURPOSE OF THE WATER QUALITY MONITORING PROGRAM IS TO:

(1) PROVIDE FOR A CONSISTENT STATEWIDE APPROACH FOR IMPROVING WATER QUALITY MONITORING DATA, CONSISTENT WITH THE MOST UP-TO-DATE SCIENTIFIC KNOWLEDGE AND TECHNOLOGIES;

(2) CONDUCT LONG-TERM AND TARGETED SHORT-TERM WATER QUALITY MONITORING AND ASSESSMENTS TO DEVELOP AN UNDERSTANDING OF AND GUIDE PROGRAMS DESIGNED TO MEET WATER QUALITY IMPROVEMENT GOALS, IMPROVE AQUATIC LIVING RESOURCES AND HABITAT, ADDRESS CLIMATE CHANGE IMPACTS, AND IMPLEMENT RESILIENCE PLANNING;

(3) INTEGRATE WATER QUALITY MONITORING DATA INTO PLANNING PROCESSES TO INFORM POLICY CHOICES ABOUT THE EFFECTIVENESS OF MANAGEMENT ACTIONS; AND

(4) PROVIDE THE GENERAL PUBLIC WITH READILY AVAILABLE WATER QUALITY MONITORING DATA TO GUIDE RECREATIONAL AND OTHER PASSIVE USES.

4-215.

(a) (1) In this section the following words have the meanings indicated.

(2) “Conservation and management measures” means 1 or more techniques through which the objectives of a fishery management plan are achieved.

(3) “Fishery” or “fishery resource” means:

(i) One or more stocks of fish which can be treated as a unit for purposes of conservation and management and which are identified on the basis of geographic, scientific, technical, recreational, and economic characteristics; or

(ii) The group or industry harvesting those stocks.

(4) “Fishery management” means the system used to conserve and allocate the fishery resource, including research and data collection, determination of objectives and management measures, and establishment, enforcement, and periodic evaluation of regulations.

(5) “Fishery management plan” means [a document or report that contains] a systematic description of a given fishery OR FISHERIES and the objectives and conservation and management measures for the fishery OR FISHERIES.

(6) “SUPPLEMENT” MEANS A MARYLAND-SPECIFIC SUPPLEMENT PREPARED UNDER SUBSECTION (B) OF THIS SECTION.

(b) [The Department shall prepare fishery management plans for the following species:

- 1 (1) Striped bass or rockfish;
- 2 (2) White perch;
- 3 (3) Yellow perch;
- 4 (4) American shad;
- 5 (5) Hickory shad;
- 6 (6) Oysters;
- 7 (7) Blue crabs;
- 8 (8) Bluefish;
- 9 (9) Herring;
- 10 (10) Weakfish;
- 11 (11) Croaker;
- 12 (12) Spot;
- 13 (13) Summer flounder;
- 14 (14) American eel;
- 15 (15) Red drum;
- 16 (16) Black drum;
- 17 (17) Spotted sea trout;
- 18 (18) Horseshoe crabs;
- 19 (19) Menhaden;
- 20 (20) Tautog;
- 21 (21) Black sea bass;
- 22 (22) Scup;
- 23 (23) Hard shell clams;
- 24 (24) Catfish; and

(25) Cownose ray] **FOR SPECIES OF FISH THAT HAVE AN ATLANTIC STATES MARINE FISHERIES COMMISSION FISHERY MANAGEMENT PLAN OR A FEDERAL REGIONAL FISHERY MANAGEMENT COUNCIL FISHERY MANAGEMENT PLAN, THE DEPARTMENT:**

(1) SHALL MANAGE THOSE SPECIES IN ACCORDANCE WITH THOSE PLANS;

(2) MAY IMPLEMENT CONSERVATION AND MANAGEMENT MEASURES IN ACCORDANCE WITH THOSE PLANS;

(3) MAY PREPARE A MARYLAND-SPECIFIC SUPPLEMENT TO THOSE PLANS IF, AFTER CONSULTATION WITH THE APPROPRIATE ADVISORY BODIES CREATED UNDER THIS TITLE, THE DEPARTMENT DETERMINES THAT IMPOSING MORE RESTRICTIVE MEASURES IS NECESSARY TO CONSERVE THE FISHERY; AND

(4) MAY IMPLEMENT CONSERVATION AND MANAGEMENT MEASURES IN ACCORDANCE WITH A SUPPLEMENT ADOPTED UNDER THIS SECTION.

(c) **(1)** The Department may prepare fishery management plans for any species of fish if, after consultation with the [Tidal Fisheries Advisory Commission and the Sport Fisheries Advisory Commission] **APPROPRIATE ADVISORY BODIES CREATED UNDER THIS TITLE**, the Department determines that the plans are necessary based on:

(I) LACK OF MANAGEMENT BY THE ATLANTIC STATES MARINE FISHERIES COMMISSION OR A FEDERAL REGIONAL FISHERY MANAGEMENT COUNCIL;

[(1)] (II) The population of the species;

[(2)] (III) The distribution of the species;

[(3)] (IV) The habitat needs of the species; or

[(4)] (V) Other biological, ecological, **CLIMATOLOGICAL**, or socioeconomic factors concerning the species **OR CHESAPEAKE BAY REGION.**

[(d) (1)] (2) A FISHERY MANAGEMENT PLAN MAY INCLUDE:

(I) PROPOSED LIMITATIONS ON THE CATCH OF FISH, BASED ON AREA, SPECIES, SIZE, NUMBER, WEIGHT, SEX, INCIDENTAL CATCH, TOTAL BIOMASS, OR OTHER FACTORS THAT ARE NECESSARY AND APPROPRIATE FOR CONSERVATION AND MANAGEMENT OF A FISHERY;

(II) INCORPORATION OF RELEVANT FISHERY CONSERVATION AND MANAGEMENT MEASURES PROPOSED OR ADOPTED BY INTERSTATE BODIES OF WHICH MARYLAND IS A MEMBER; AND

(III) OTHER PROPOSED MEASURES, REQUIREMENTS, OR CONDITIONS AND RESTRICTIONS THAT ARE NECESSARY AND APPROPRIATE FOR FISHERY MANAGEMENT.

(3) (I) THE DEPARTMENT MAY IMPLEMENT CONSERVATION AND MANAGEMENT MEASURES IN ACCORDANCE WITH A FISHERY MANAGEMENT PLAN ADOPTED UNDER THIS SECTION.

(II) Conservation and management measures [adopted] IMPLEMENTED under a fishery management plan, to the extent possible:

[(i)] 1. Shall prevent overfishing while attempting to achieve the best and most efficient utilization of the State's fishery resources;

[(ii)] 2. Shall be based on the best information available;

[(iii)] 3. May not discriminate unfairly among groups of [fishermen] ANGLERS or have economic allocation as its sole purpose;

[(iv)] 4. Shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches; [and]

[(v)] 5. Shall avoid duplication of regulatory efforts and unnecessary costs to the State and to any other person; AND

6. SHALL TAKE INTO ACCOUNT CHANGES IN ENVIRONMENTAL FACTORS, INCLUDING CLIMATOLOGICAL FACTORS.

[(2)] (4) If it becomes necessary to allocate or assign fishing privileges among various groups of individuals under paragraph [(1)(iii)] (3)(II)3 of this subsection, or under any fishery management plan, that allocation shall be:

(i) Fair and equitable to all individuals;

(ii) Reasonably calculated to promote conservation; and

(iii) Carried out in such a manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges.

1 [(e) (1)] **(5)** [Except] **SUBJECT TO ANY APPLICABLE SUPPLEMENT AND**
2 **EXCEPT** as provided in paragraph [(2)] **(6)** of this subsection, a fishery management plan
3 may apply separately or jointly to the waters of the Chesapeake Bay and its tidal
4 tributaries, the coastal bays and their tributaries, and the Maryland waters of the Atlantic
5 Ocean and shall include:

6 (i) The best available estimates of sustainable harvest rates;
7 (ii) Indicators that would trigger any tightening or loosening of
8 harvest restrictions;

9 (iii) A description of the fishery, including:
10 1. The history of the fishery, and its current condition
11 relative to historic populations;
12 2. The numbers of potential commercial and recreational
13 [fishermen] **ANGLERS** projected to participate in the fishery;
14 3. The type and quantity of fishing gear used commercially;
15 4. Where practicable, the cost likely to be incurred in the
16 management of the fishery; and
17 5. The actual and potential revenues from the recreational
18 and commercial fishery;

19 (iv) If the Department determines that a fishery has been, or is
20 currently, overfished:

21 1. A species-specific time period for:
22 A. Ending or appropriately addressing overfishing; and
23 B. Rebuilding the stock of the species to a sustainable level;
24 and

25 2. A description of:
26 A. Management strategies that have a high probability of
27 reducing fishing to a target level within a target time period, as determined by the
28 Department; and

29 B. The appropriate assignment or allocation of fishing
30 privileges in accordance with [subsection (d)(2)] **PARAGRAPH (4)** of this [section]
31 **SUBSECTION**; and

(v) Other pertinent data that will assist the Secretary in determining conservation and management measures reasonably necessary to ensure that the fishery resources will be sustained.

[(2)] (6) The Department may waive the requirements in paragraph **[(1)(iv)] (5)(IV)** of this subsection for a species of fish if the Department determines that meeting the requirements is not practicable or biologically appropriate based on:

(i) The specific biology of the species;

(ii) The management of the species under a federal or multi-state fishery management plan;

(iii) The designation of the species as a nuisance;

(iv) Environmental conditions; or

(v) Other ecological factors.

[(3)] (D) (1) (i) The Department shall:

1. In coordination with the University of Maryland Center for Environmental Science and the Oyster Advisory Commission, develop a package of consensus recommendations for enhancing and implementing the fishery management plan for oysters that will be informed by a collaboratively developed, science-based modeling tool to quantify the long-term impacts of identified management actions and possible combinations of management actions on:

A. Oyster abundance;

B. Oyster habitat;

C. Oyster harvest;

D. Oyster harvest revenue; and

E. Nitrogen removal; and

2. Hold public listening sessions throughout the State to identify possible management actions for use in the public oyster fishery.

(ii) The Oyster Advisory Commission, with the assistance of external conflict resolution and facilitation specialists, shall:

1. Develop a package of consensus recommendations through a facilitated consensus solutions process, based on a 75% majority agreement level for each recommendation;

2. Recommend management actions or combinations of management actions to achieve the targets identified in the oyster stock assessment with the goal of increasing oyster abundance; and

3. Review model results for each management action or combination of management actions to inform its recommendations.

(iii) 1. The Department shall submit interim reports on the development of the package of consensus recommendations by August 1, 2020, December 1, 2020, and August 1, 2021, to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly.

2. In addition to the requirements under subsubparagraph 1 of this subparagraph, the Department shall include in the interim report submitted by August 1, 2021:

A. The status of the development of the science-based modeling tool used to quantify the long-term impacts of identified management actions; and

B. A summary of the model results of any actions identified by the Oyster Advisory Commission on or before the date of the interim report.

3. The Department shall provide a final report by December 1, 2021, which will include an implementation schedule for the consensus recommendations, to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly.

(iv) To be responsive to changes in the oyster resource due to environmental conditions, the Department shall:

1. Review the status of the stock relative to reference points every 2 years and conduct a benchmark stock assessment every 6 years with consideration of new methods and with external peer review; and

2. With the input of interested stakeholders, implement management actions that increase oyster habitat, maintain harvest, and grow the oyster stock.

[(4)] (2) The fishery management plan developed in accordance with paragraph **[(3)] (1)** of this subsection shall:

(i) End the overfishing of oysters in all areas and regions of the Chesapeake Bay and its tributaries where overfishing has occurred according to biological reference points established by the most recent oyster stock assessment while maintaining a harvest in the fishery;

(ii) Achieve fishing mortality rates at target levels;

(iii) Increase oyster abundance;

(iv) Increase oyster habitat; and

(v) Facilitate the long-term sustainable harvest of oysters, including the public fishery.

[(f) A fishery management plan may include:

(1) Proposed limitations on the catch of fish, based on area, species, size, number, weight, sex, incidental catch, total biomass, or other factors, which are necessary and appropriate for conservation and management of a fishery;

(2) Incorporation of relevant fishery conservation and management measures proposed or adopted by interstate bodies of which Maryland is a member; and

(3) Other proposed measures, requirements, or conditions and restrictions which are necessary and appropriate for fishery management.

(g)] (E) The Department shall present the management plans AND SUPPLEMENTS under this section in the form of an annual report, subject to § 2–1257 of the State Government Article, to:

(1) The Legislative Policy Committee;

(2) The Senate Committee on Education, Energy, and the Environment; and

(3) The Environment and Transportation Committee.

[(h)] (F) (1) (i) The [Secretary shall] DEPARTMENT:

1. SHALL adopt [the proposed] BY REGULATION:

A. A FISHERY management [plans] PLAN PREPARED BY THE DEPARTMENT UNDER THIS SECTION; AND

B. A SUPPLEMENT PREPARED BY THE DEPARTMENT UNDER THIS SECTION; and [any proposed]

2. MAY ADOPT conservation and management measures by regulation FOR:

**A. AN ATLANTIC STATES MARINE FISHERIES
COMMISSION FISHERY MANAGEMENT PLAN;**

**B. A FEDERAL REGIONAL FISHERY MANAGEMENT
COUNCIL FISHERY MANAGEMENT PLAN;**

**C. A FISHERY MANAGEMENT PLAN PREPARED AND
ADOPTED BY THE DEPARTMENT UNDER THIS SECTION; AND**

**D. A SUPPLEMENT PREPARED AND ADOPTED BY THE
DEPARTMENT UNDER THIS SECTION.**

(ii) **1.** The Secretary may adopt conservation and management measures in separate proceedings and by separate regulations.

2. Conservation and management measures adopted separately may include changes to those proposed or adopted in a fishery management plan **OR SUPPLEMENT** and any additional measures necessary to carry out the adopted plan **OR SUPPLEMENT**.

(iii) The Secretary may not prohibit the use of pound net sites in the coastal bays that are registered with the Department as of January 1, 2000.

(2) **(I)** The regulations of the Department to implement a fisheries management plan for the coastal bays may not become effective under this section until the Department first holds A public [hearings in Worcester County] **HEARING**.

**(II) THE PUBLIC HEARING REQUIRED UNDER SUBPARAGRAPH
(I) OF THIS PARAGRAPH MAY BE HELD IN PERSON IN WORCESTER COUNTY OR, IN
WHOLE OR IN PART, REMOTELY BY ELECTRONIC MEANS.**

(3) All notices of public hearings required for the adoption of regulations under this section shall be printed in the Maryland Register and further publicized so as to provide reasonable notice to the affected communities [of fishermen] and the public.

[(i)] (G) Notwithstanding any other provision of this title, except § 4–1002 of this title, once a fishery management plan **OR SUPPLEMENT** has been adopted by regulation, the State's fishery resources shall be harvested in accordance with the conservation and management measures in the fishery management plan **OR SUPPLEMENT** and any regulations implementing or amending that plan **OR SUPPLEMENT**.

[(j)] (H) The provisions of this section do not apply to aquaculture activities in nontidal ponds, lakes, or impoundments in the State.

1 4-11A-09.

2 (g) (1) If an application for a submerged land or water column lease in the
3 Chesapeake Bay or in the Atlantic Coastal Bays meets the requirements of this subtitle:

4 (i) The applicant for the lease shall mark the **CENTER OF THE**
5 proposed area with a stake; and

6 (ii) The Department shall:

7 1. **SURVEY THE CORNERS OF THE PROPOSED LEASE**
8 **AREA;**

9 2. Advertise the application on the website of the
10 Department and once a week for 2 weeks in a newspaper published in the county or counties
11 where the proposed lease is to be located;

12 [2.] 3. Notify the owners of property directly in front of the
13 proposed activity;

14 [3.] 4. Notify each Chair of an Oyster Committee in the county
15 in which the proposed activity is located; and

16 [4.] 5. Notify other interested parties that the Department
17 [deems] **CONSIDERS** appropriate.

18 (2) (i) [Within] **ANY PERSON MAY SUBMIT A WRITTEN REQUEST**
19 **FOR A PUBLIC INFORMATIONAL MEETING ON THE ISSUANCE OF A LEASE WITHIN 30**
20 **days [of] AFTER** publication of the last advertisement under paragraph (1) of this
21 subsection[, any].

22 (II) **THE REQUEST FOR A PUBLIC INFORMATIONAL MEETING**
23 **SUBMITTED TO THE DEPARTMENT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH**
24 **MUST CONTAIN THE NAME, MAILING ADDRESS, AND E-MAIL ADDRESS OF THE**
25 **REQUESTOR.**

26 (III) **THE DEPARTMENT SHALL HOLD A PUBLIC INFORMATIONAL**
27 **MEETING ON THE ISSUANCE OF A LEASE ON THE REQUEST OF ANY PERSON.**

28 (3) (I) **ANY** person who has a specific right, duty, privilege, or interest
29 that is different from that held by the general public and may be adversely affected by the
30 proposed lease may file a **WRITTEN** petition with the Department protesting the issuance
31 of the lease:

1 **1. WITHIN 30 DAYS AFTER PUBLICATION OF THE LAST**
2 **ADVERTISEMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION; OR**

3 **2. WITHIN 7 DAYS AFTER A PUBLIC INFORMATIONAL**
4 **MEETING HELD IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION.**

5 **(II) A PROTEST FILED WITH THE DEPARTMENT UNDER**
6 **SUBPARAGRAPH (I) OF THIS PARAGRAPH MUST CONTAIN:**

7 **1. THE NAME, MAILING ADDRESS, AND E-MAIL ADDRESS**
8 **OF THE PROTESTANT;**

9 **2. A STATEMENT INDICATING THAT THE PROTESTANT**
10 **INTENDS TO PROTEST THE LEASE AND THE REASONS FOR THE PROTEST; AND**

11 **3. A STATEMENT DESCRIBING THE PROTESTANT'S**
12 **SPECIFIC RIGHT, DUTY, PRIVILEGE, OR INTEREST THAT IS DIFFERENT FROM THAT**
13 **HELD BY THE GENERAL PUBLIC AND MAY BE ADVERSELY AFFECTED BY THE**
14 **PROPOSED LEASE.**

15 **(III) THE DEPARTMENT MAY REQUIRE MEDIATION BETWEEN**
16 **THE PROTESTANT, THE APPLICANT, AND THE DEPARTMENT BEFORE TRANSMITTING**
17 **THE PROTEST TO THE OFFICE OF ADMINISTRATIVE HEARINGS.**

18 **[(ii)] (IV) The protest shall be heard in accordance with the**
19 **requirements of the Administrative Procedure Act under Title 10, Subtitle 2 of the State**
20 **Government Article.**

21 **[(iii)] The Department shall hold a public informational meeting on the**
22 **issuance of a lease on the request of any person.**

23 **(iv)] (V) Immediately after termination of the period [prescribed]**
24 **SPECIFIED in subparagraph (i) of this paragraph for filing a petition or after a final**
25 **decision dismissing a protest, the Department shall [survey the proposed leased area and]**
26 **issue a lease to the applicant.**

27 **(H) THE DEPARTMENT, IN CONSULTATION WITH THE AQUACULTURE**
28 **COORDINATING COUNCIL, MAY CHARGE AN APPLICANT REASONABLE ADVERTISING**
29 **AND SURVEY FEES.**

30 4-11A-14.

31 **(a) (1) Except as provided in paragraph (2) of this subsection, a leaseholder**
32 **may cultivate or remove shellfish planted on [his] THE LEASEHOLDER'S aquaculture or**

1 submerged land lease area in any manner [he deems] **THE LEASEHOLDER CONSIDERS**
2 proper.

3 (2) A person may not use a hydraulic escalator dredge to harvest shellfish
4 in the Atlantic Coastal Bays.

5 (b) (1) Each leaseholder shall keep accurate records concerning the seeding
6 and planting of cultch and [oysters] **SHELLFISH** on[,] and the harvesting[,] and selling of
7 [oysters] **SHELLFISH** from [his] **THE LEASEHOLDER'S** aquaculture, submerged land, or
8 demonstration lease area.

9 (2) Each leaseholder shall report this information to the Department
10 **ELECTRONICALLY OR** on forms **SPECIFIED BY** the Department [prescribes].

11 (c) (1) On or before January [1] **31** of each year, a leaseholder shall provide to
12 the Department a report documenting the use of the lease during the prior year.

13 (2) A leaseholder shall provide to the Department any other report that the
14 Department may require.

15 (3) Failure to file a report may result in termination of the lease.

16 (4) Failure to actively use a lease may result in termination of the lease.

17 **SUBTITLE 21. AGRICULTURE LEASES ON DEPARTMENT LAND.**

18 **5-2101.**

19 (A) **IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
20 **INDICATED.**

21 (B) **"HEALTHY SOILS" HAS THE MEANING STATED IN § 2-1901 OF THE**
22 **AGRICULTURE ARTICLE.**

23 (C) **"REGENERATIVE PRACTICES AND TRADITIONS" HAS THE MEANING**
24 **STATED IN § 2-1901 OF THE AGRICULTURE ARTICLE.**

25 **5-2102.**

26 (A) **THE DEPARTMENT MAY LEASE LAND OWNED OR MANAGED BY THE**
27 **DEPARTMENT TO A PERSON IMPLEMENTING PRACTICES THAT SUPPORT HEALTHY**
28 **SOILS AND REGENERATIVE PRACTICES AND TRADITIONS.**

29 (B) (1) **THE LEASE TERM MAY BE FOR A MINIMUM OF 10 YEARS.**

1 **(2) THE LEASE SHALL REQUIRE THE LESSEE TO COMPLY WITH ALL**
2 **APPLICABLE STATE AND FEDERAL LAWS AND REGULATIONS.**

3 **(C) THE DEPARTMENT SHALL CONSULT WITH THE DEPARTMENT OF**
4 **AGRICULTURE ON THE DEVELOPMENT OF A TEMPLATE FOR LEASES ENTERED INTO**
5 **UNDER THIS SECTION.**

6 8–2B–02.

7 (a) There is a Whole Watershed Restoration Partnership.

8 (b) The purpose of the Partnership is to accelerate restoration of the Chesapeake
9 and Atlantic Coastal Bays and their watersheds by equitably focusing assistance on actions
10 and areas that are:

11 (1) Cost-effective;

12 (2) Likely to demonstrate a rapid systemic response to restoration activity,
13 including rapid de-listing of impaired streams identified under § 303(d) of the federal Clean
14 Water Act; and

15 (3) Supported by the local government.

16 (c) (1) The Secretary shall establish a State management team to administer
17 the Partnership.

18 (2) The State management team shall include:

19 (i) One representative of the Department, designated by the
20 Secretary;

21 (ii) One representative of the Department of the Environment,
22 designated by the Secretary of the Environment;

23 (iii) One representative of the Department of Agriculture, designated
24 by the Secretary of Agriculture;

25 (iv) One representative of the Department of Planning, designated
26 by the Secretary of Planning;

27 (v) One representative of the Critical Area Commission for the
28 Chesapeake and Atlantic Coastal Bays, designated by the chair of the Commission; and

29 (vi) The Chief Resilience Officer, or the Chief Resilience Officer's
30 designee.

(3) The representative of the Department shall chair the State management team.

(4) The State management team shall coordinate with other entities, including the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency, as necessary to carry out its functions and duties under this subtitle.

(d) (1) The Partnership shall employ staff in accordance with the State budget.

(2) State agencies may provide staff or other assistance to the Partnership.

(e) On or before October 1, 2024, and every 5 years thereafter, the State management team shall issue a request for proposals for projects that:

(1) Occur within a single Maryland 8-Digit Watershed as identified in the statewide digital watershed file maintained by the Department of Information Technology;

(2) Include a strategy describing the partners, actions, and benefits that the project will incorporate over a 5-year period;

(3) Provide at least five of the benefits specified under subsection (f)(2)(viii) of this section; and

(4) Are endorsed by each county and municipal corporation in which the project will occur.

(f) (1) Subject to paragraph (3) of this subsection, on or before March 1, 2025, and every 5 years thereafter, the State management team may approve up to five projects to receive assistance under this section.

(2) The State management team shall evaluate a proposed project based on whether the proposed project:

(i) Is located in a watershed in which habitat restoration and pollution reduction will:

1. Result in the greatest improvements to shallow water habitat and living resources;

2. Achieve rapid de-listing of impaired streams identified under § 303(d) of the federal Clean Water Act and published in the Department of the Environment's Triennial Review of Water Quality Standards; or

3. Generate rapidly improving conditions in the local ecosystem;

(ii) Emphasizes actions that are expected to provide the greatest, most cost-effective, and measurable amount of pollution reduction;

(iii) Supports land use policies, conservation programs, and restoration protocols at the local level that will sustain project actions and outcomes;

(iv) Has documented interest from a group of affected property owners to allow restoration or conservation actions on their property;

(v) Minimizes the loss of trees and other natural habitats;

(vi) Demonstrates opportunities to implement actions that reduce environmental disparities experienced by overburdened or underserved communities;

(vii) Demonstrates opportunities to foster innovation in restoration science or practices;

(viii) In addition to land-based habitat restoration and water quality improvement, anticipates benefits related to:

1. The creation or restoration of wildlife habitat, riparian buffers, and wetland restoration;

2. The restoration of aquatic resources, such as freshwater mussels, fish passage, or oyster reefs;

3. Carbon sequestration;

4. Climate change mitigation, adaptation, or resilience;

5. Local employment opportunities;

6. Improving and protecting public health; and

7. Recreational opportunities and public access to waterways and natural habitats; and

(ix) Creates partnership opportunities among nonprofit and for-profit organizations, community organizations, all levels of government, and scientists.

(3) The State management team shall:

(i) Work to ensure that the projects approved include:

1. One project located in a predominantly urban area;

2. One project located in a predominantly suburban area;

1 3. Two projects primarily focused on reducing pollution in a
2 predominantly agricultural area; and

3 4. One project that incorporates collaborative efforts with an
4 adjoining state; and

5 (ii) Ensure that at least two approved projects are located in and
6 provide benefits to an overburdened or underserved community.

7 (4) The State management team may require siting, design, construction,
8 maintenance, and operation principles and standards for a project that are in addition to
9 those required by law or regulation if the team determines that those principles and
10 standards are necessary to preserve the benefits of the project.

11 **(G) (1) AS SOON AS POSSIBLE AFTER APPROVING A PROJECT UNDER THIS**
12 **SECTION, THE STATE MANAGEMENT TEAM AND THE PROJECT SPONSOR SHALL MEET**
13 **TO DEVELOP A PLAN FOR PERMITTING THE PROJECT, INCLUDING IDENTIFYING ALL:**

14 **(I) REQUIRED STATE AND FEDERAL PERMITS;**

15 **(II) SUPPORTING DOCUMENTATION THAT MUST BE SUBMITTED**
16 **WITH EACH PERMIT APPLICATION;**

17 **(III) TIME FRAMES FOR SUBMITTING THE PERMITS AND**
18 **SUPPORTING DOCUMENTATION; AND**

19 **(IV) POINTS OF CONTACT WITHIN EACH RELEVANT AGENCY FOR**
20 **EACH OF THE PERMITS.**

21 **(2) TO EXPEDITE THE PERMITTING PROCESS TO THE EXTENT**
22 **ALLOWED BY STATE AND FEDERAL LAW, THE STATE MANAGEMENT TEAM AND**
23 **PROJECT SPONSOR SHALL:**

24 **(I) INVITE ALL RELEVANT STATE AND FEDERAL AGENCIES,**
25 **INCLUDING THE U.S. ENVIRONMENTAL PROTECTION AGENCY, THE U.S. ARMY**
26 **CORPS OF ENGINEERS, AND THE NATIONAL MARINE FISHERIES SERVICE, TO THE**
27 **MEETING REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION; AND**

28 **(II) COORDINATE WITH EACH AGENCY TO DEVELOP THE PLAN**
29 **FOR PERMITTING THE PROJECT, INCLUDING TIME FRAMES AND REQUIREMENTS**
30 **FOR EACH APPLICATION.**

31 **[(g)] (H) For a period of 5 years after approving a project, the State management**
32 **team shall:**

2. Restoration and conservation actions initiated and completed;

3. Trees affected and trees at immediate or future risk of impact due to restoration actions;

4. Funding from all sources that was solicited, awarded, or spent; and

5. The progress made toward meeting the outcomes identified in the project's implementation and financing plan, including the metrics used for tracking progress under paragraph (1) of this subsection.

(3) The State management team may require a project sponsor to perform and report on water quality monitoring for more than 5 years.

[(j)] (K) On or before November 1, 2025, and each November 1 thereafter, the State management team shall report to the General Assembly, in accordance with § 2-1257 of the State Government Article, on the status of each approved project.

[(k)] (L) (1) The Secretary shall establish a permit tracking dashboard that provides **[publicly]**:

(I) PUBLICLY available information on the permit schedules and requirements for actions that require a State **OR FEDERAL** permit; **AND**

(II) THE PLAN REQUIRED UNDER SUBSECTION (G) OF THIS SECTION REDACTED TO PROTECT ANY CONFIDENTIAL INFORMATION.

(2) A PROJECT SPONSOR SHALL PROVIDE QUARTERLY UPDATES TO THE STATE MANAGEMENT TEAM WITH THE INFORMATION NECESSARY FOR THE PERMIT TRACKING DASHBOARD, INCLUDING THE STATUS OF ALL REQUIRED STATE AND FEDERAL PERMITS.

(3) The permit tracking dashboard shall be made available to the public on the Department's website.

SECTION 3. AND BE IT FURTHER ENACTED, That, by December 31, 2025, the Department of the Environment shall:

(1) authorize oyster restoration projects funded in whole or in part by federal, State, or local governments to be eligible to generate water quality trading credits; and

(2) develop a process for certifying water quality trading credits generated by oyster restoration projects.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of Chapters 558 and 559 of the Acts of the General Assembly of 2024 may not be construed to apply to permit or license applications submitted to the Department of the Environment before July 1, 2025.

SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2025. Section 1 of this Act shall remain effective for a period of 5 years and, at the end of June 30, 2030, Section 1 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.