



***DFA GUEST COMMENTARY IN RESPONSE
TO 1.28.2022 GERALD WINEGRAD GUEST
COMMENTARY IN THE CAPITAL GAZETTE***

**NOTE: WINEGRAD COMMENTARY
FOLLOWS THE DFA COMMENTARY**

**GOOD NEWS ON OYSTER
RECOVERY IN THE
CHESAPEAKE BAY**

**By Captain Rob Newberry
Chairman of the Delmarva Fisheries
Association Inc. (DFA)**

In a recent Capital Gazette guest commentary, Gerald Winegrad offers his thoughts on the oyster population in the Chesapeake Bay. His commentary includes numerous observations not supported by the facts. His commentary is a classic example of if you do not read his commentary, you may not be fully informed; but if do you read his commentary, you will most certainly be misinformed.

Here are the facts:

FACT: The oyster population in the Chesapeake Bay is **INCREASING**, not declining.

FACT: The highly regulated and closely monitored oyster harvests by commercial watermen has increased by 200% over the past 3 years.

FACT: Oyster biomass, recruitment, and spat productions is at a 25-year high in public fishery areas.

FACT: No one has a greater commitment to restoring and maintaining the wild oyster population in the Bay and Bay watershed than the watermen.

FACT: Watermen know that in order for their livelihood and their historic multigenerational way of life to survive and thrive they need a healthy bay and long-term sustainable harvests. They are conservationists and preservationists.

FACT: The real threats to the current rebounding oyster population are pollution from scoured sediment behind the Conowingo Dam that is flushed into the Bay after major storm events; and raw sewage from sewage treatment plants in the Baltimore area that has been dumped into the Patapsco River via the Jones Falls and which ultimately flows into the Bay.

FACT: The recent legal action of Governor Hogan and Attorney General Frosh to address these illegal sewage discharges only cites 19 discharges.

FACT: This legal action does not mention that since the summer of 2016, millions and millions of gallons of untreated effluent have been illegally discharged.

FACT: These illegal discharges coupled with pollution from the Conowingo Dam have an especially extreme adverse impact on the northern Bay above the Chesapeake Bay bridge.

FACT: In the spirit of full transparency, the question needs to be answered – has any environmental advocacy group or groups not been as aggressive as they could have been in pursuing legal action against the Conowingo Dam owner and operator based on contributions to that group or groups from the dam owner and operator?

FACT: The Maryland Department of Natural Resource's Oyster Advisory Commission (OAC) is NOT dominated by representatives of watermen.

FACT: Nineteen (19) of the thirty four (34) OAC Commissioners (more than half) are representatives from the following: Chesapeake Bay Commission, Nature Conservancy, Chesapeake Bay Foundation, National Aquarium, Blue Oyster Environmental (an aquaculture enterprise), Aquaculture Coordinating Council, Arundel Rivers Federation, Morgan State University, University of Maryland Center for Environmental Science, Maryland Coastal Conservation Association, ShoreRivers, Bay Rivers, National Oceanic and Atmospheric Administration, State Senator Sarah Elfreth (Anne Arundel County), State Senator Steve Hershey (Upper Eastern Shore), State Delegate Marlon Amprey (Baltimore City), State Delegate Johnny Mautz (Middle Eastern Shore), U.S. Army Corps of Engineers and the Maryland Department of Natural Resources.

FACT: Watermen representatives on the OAC provide great value to the commission as they bring a real time state of the Bay health report to every OAC meeting based upon their seeing the Bay firsthand and up close on a regular basis.

FACT: Watermen bring solutions to the table, not rhetoric.

FACT: The Delmarva Fisheries Association, which represents over 80% of the watermen in our region has proposed and supports funding for the most cost effective and environmentally sound processes for oyster population restoration and pollution filtering efforts. That process is to dredge oyster shells from the Man O War Shoal in the upper Chesapeake Bay for spat seeding programs.

FACT: Spat on shell that is transplanted and is struck by wild oyster larvae and transplanted back to areas has a 90% SURVIVABILITY rate.

FACT: Hatchery produced spat on shell has a 95 to 98% MORTALITY rate.

FACT: A \$73-million-dollar investment made in restoration efforts for oysters, comparably, has shown no return financially on the investment, and no significant increase in biomass or recruitment in those areas.

FACT: Commercial Watermen of Talbot County invested \$1 million over 10 years in Broad Creek alone and have returned more than \$18 million on that investment in prudently placed shell.

FACT: This very successful initiative can be a cost-effective model for even more sustained success on restoring, expanding, and maintaining the Bay's oyster population.

FACT: Phasing out wild fisheries and replacing it with aquaculture is NOT good public policy nor is it good for seafood consumers. Harvests from wild fisheries provide seafood consumers the freshest and best tasting seafood available anywhere in the world.

Gerald Winegrad: Vested interests have collapsed the Chesapeake's oyster population | COMMENTARY

By **GERALD WINEGRAD**

CAPITAL GAZETTE | JAN 28, 2022 AT 6:00 AM

Abundant data documents the precipitous decline of the Chesapeake Bay and its living resources. None is as significant and tragically sad as the collapse of the oyster population.

By the late 1800s, Maryland was the greatest oyster producer in the world, with 39% of the entire U.S. oyster harvest, more than twice the combined harvest of all foreign countries. Maryland's oyster industry employed 20% of all Americans in the fishing industry. Oyster processing was the third-largest industry in Baltimore with 60 packing companies.

Maryland harvests rose from 3 million bushels in 1861 to a peak of 15 million bushels in 1884. Two years before the peak, signs of a declining fishery from this rampantly unsustainable and little-regulated harvest led the Maryland legislature to create an Oyster Commission to advise it. Into the breach stepped William K. Brooks as commission chair. The Johns Hopkins scientist discovered that the Eastern oyster, *Crassostrea virginica*, did not reproduce internally as thought. He found that each female could release millions of eggs and males fertilized 98% of these eggs in his water watch glasses and tumblers. He knew

this could revolutionize oyster production, through oyster farming and aquaculture, and increase oyster harvest a hundredfold or more.

The commission released its findings in 1884, noting that an oyster decline stemmed from overfishing and great potential lay in oyster farming, suggesting the state should lease out tracts of the bay bottom for private oyster growers. The commission declared, "These investigations have placed it within our power to multiply the oyster to an indefinite amount."

Recommendations were made to halt harvests during breeding season, set size limits, and dump shucked shell back in the Bay to replenish oyster reefs. These would have represented the first steps toward scientific management of oysters. They were ignored.

Within five years of this report, the harvest was down to a third of its historic high. The General Assembly made no move to adopt restrictive measures or to encourage oyster aquaculture.

Now, despite current harvests declining to 2% of historic highs, this failure to properly regulate is still occurring as anti-leasing forces, led by oystermen, have managed to cripple every pro-farming initiative, both through political power and poaching, not just during Brooks's era but during the next 125 years.

Then as now, legislators and regulators use oyster advisory commissions and calls for new oyster management plans in lieu of acting to restrict or close harvest and switch to aquaculture. This century-old failure is done to appease oyster fishermen, a vociferous minority in the state, while ignoring the science and precipitous decline in oysters.

The results are predictable — a collapsed oyster population, a tragedy of the commons, with oysters sinking to 1.5% of historic

population levels despite the expenditure of more than \$500 million in public funds on failed recovery efforts over the past 40 years. The expensive shell plantings along with growing spat and placement on shell plantings have done little to increase the oyster population as wild harvest and poaching continue. All too many people believe throwing more money into such efforts is the answer and many have succumbed to government largesse, preventing them from speaking out on the need to close the wild fishery and convert to aquaculture.

The Chesapeake Bay Foundation and their scientists called for a moratorium on wild oyster harvesting in 1991, and in 2010 they recommended a transition from a wild harvest to aquaculture. In an August 2011 study published by five Maryland scientists, a moratorium on all wild harvesting was recommended, citing a massive decline of 92% in Maryland oysters since 1980. They concluded that if harvesting had stopped in 1986, adult abundance would be 15.8 times greater than in 2011.

Again, the state failed to act, instead appointing more advisory commissions. The latest one was packed with oystermen and industry folks. It took three years of effort and 24 meetings to report last month that they agreed on nothing of significance to conserve oysters. This occurred as the Department of Natural Resources increased harvest pressure by opening up another weekly harvest day and opening harvesting north of the Bay Bridge. Oyster harvest permits increased from 822 in 2018 to 1,239 last year, the most in two decades, as DNR encouraged more intensive harvesting of a collapsed species.

After decades of banning the use of heavy metal dredges that destroy small oysters and the oyster reefs themselves, legislators and regulators caved to oystermen and hindered recovery by expanding their use in the past 20 years so that this once outlawed method now dominates harvest.

This occurred as the Chesapeake Bay Foundation and the lead scientist in the 2011 study reversed their closure positions and instead supported the last ill-fated advisory commission, setting back oyster conservation by another three years.

Interestingly, the foundation's refusal to follow its own positions despite a precipitous decline in oysters comes as it rated oysters an F for failing in its latest Chesapeake Bay report card. The foundation receives \$3 million from the federal National Oceanic and Atmospheric Administration to plant seed oysters while the 2011 report lead scientist's organization receives millions of dollars to produce seed oysters and conduct oyster research.

The oyster collapse has had a huge economic impact as oyster landings sunk to an annual average of 228,396 bushels over the past five years. A NOAA estimate covering only the past three decades shows this has meant a loss of more than \$4 billion for the economies of Maryland and Virginia.

Even worse, is the ecological impact. The Chesapeake Bay's health has suffered as oysters are its top keystone species, with large adults able to filter and cleanse 50 gallons of water a day. This removes excess nutrients and settles sediments, the two major pollutants. Oysters used to filter all the bay's water in three to five days; now it takes at least 1.5 years. They also serve as the bay's coral reefs, providing habitat for hundreds of other species including blue crabs. Excessive sediment, primarily from agriculture, has smothered oysters, killing them and rendering 70% of Maryland oyster reefs nonproductive.

In 2010, Gov. Martin O'Malley fought to gain passage of legislation to encourage oyster aquaculture, removing some long-standing legal impediments to private leasing of bay bottom. New oyster sanctuaries were carved out of traditional harvest grounds increasing the amount of habitat protected from harvest from 9% to 24% of bay bottom but still allowing wild harvest on potentially more than 100,000 acres. This move was

vigorously opposed by watermen who surrounded the State House in their trucks in protest and who continue to poach from sanctuaries, block new ones, and appeal new aquaculture leases.

Aquaculture still lags in Maryland, with only 7,518 acres under lease and a harvest of only 47,000 bushels in 2020 compared to a wild harvest of 332,946. Watermen and some property owners continue to block leases by filing appeals for permits that stop new ventures for years, including 96 pending applications. This is occurring as 95% of global oyster harvest comes from aquaculture after wild oysters faced the same collapse as in the Chesapeake. Successful oyster producers in the U.S. and globally have wisely switched to aquaculture and closed their wild fisheries.

Next week my column will detail solutions to oyster recovery, including a phased closure of wild harvest and switch to aquaculture — a centuries-old idea whose time has come.

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