



110 N. CROSS STREET
CHESTERTOWN, MARYLAND 21620
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www.delmarvafisheries.org

House Environment and Transportation Committee

Testimony in **OPPOSITION** to **House Bill 500**

Dredging on Man O'War Shoals - Prohibition

February 16, 2022

The Delmarva Fisheries Association (DFA) urges an **unfavorable** report on House Bill 500, as such legislation would indefinitely and arbitrarily prohibit the dredging of much-needed natural oyster shell from an area in the upper Chesapeake Bay know as Man O'War Shoals and contradicts the extensive review and analysis of various State and federal agencies (DNR, MDE, USACE, NOAA, NMFS) over many years in recommending such critical activity in an environmentally sensitive manner to the Board of Public Works. For the General Assembly to declare known deposits of natural oyster shells buried under sedimentation off limits will only add costs and risks to restoration efforts, hurts seafood businesses, fuel contentions among stakeholders in need of shell and, all things considered, makes no sense for the good of the Bay.

Shell matters. (see attachment) Oyster spat need a clean hard surface on which to strike after spawning in order to grow. Chesapeake Bay oyster **shell is the absolute best** surface and material for oyster propagation and growth; and there is an enormous supply of natural shell at Man O'War Shoals. This bill declares a critical natural resource off-limits, buried under Susquehanna River sediments (exacerbated by the [Conowingo Factor](#)), where it does no good.

In December 2019, a milestone Resolution signed by Maryland seafood industry leaders, participants and allied businesses was submitted to the Board of Public Works urging affirmative action on the pending DNR application. A copy of the Industry Resolution is attached, showing broad support for oyster shell dredging at Man O'War Shoals, and a history of delay.

DFA is on record in support of dredging natural oyster shell from Man O'War Shoals with the understanding that no dredging will occur in the vicinity of the portion of this natural oyster bar where the Baltimore County Watermen's Association has been engaged in restoration efforts, if any. The shoal is large enough to support the efforts of local oystermen in seed planting and cultivation while permitting the harvesting of natural shell for use throughout the Bay in the commercial fishery and in aquaculture, sanctuaries and hatcheries.

Man O'War Shoals is a relatively isolated natural oyster bar located just to the north of the navigable channel in the Patapsco River in which ships travel to the Ports of Baltimore. The shoal comprises roughly 400 acres and the area designated for the harvesting of shells is approximately 30 acres (~8%). The vast majority of sediments dislodged during the shell harvesting process will settle out in the navigable channel and be dredged by U.S. Army Corps of Engineers (USACE) and the Maryland Port Administration in the course of their channel maintenance program. (See attached DNR Plan Map and Dredge Cut Diagram)

The mud that will be stirred up during the dredging for shell will be a temporary condition and minor compared to other dredging activities by the USACE in the Upper Bay and the enormous amounts of sediment discharged from above Conowingo Dam during storms. The long-term benefits to the natural environment and overall Bay water quality from well-placed indigenous shell obtained from Man O'War Shoals will eclipse any temporary unsettling of the natural environment caused by the shell dredging process. The resulting increase of oysters in the Bay will have a positive economic impact in local jurisdictions and fishing communities – while a natural oyster bar left alone in the upper Bay will eventually, if not already, be smothered by sedimentation and be of little ecological or economic value.

According to DNR's Annual Oyster Surveys from the past several years, Man O'War Shoals is not producing any spat or production-size oysters.

For 40-plus years, the State dredged shell from the upper reaches of the Chesapeake Bay for the oyster replenishment (repletion) program. This program was terminated in 2006 despite very successful results with oyster reproduction and market production of oysters. Since 2006, oysters in the upper reaches of the Chesapeake Bay have almost ceased to exist, other than select areas being planted by watermen's groups. Again, recent DNR Oyster Surveys corroborate this information as well as the work of the Oyster Advisory Commission.

The application for the harvesting of shell from Man O'War Shoals has been pending for longer than can reasonably be justified. The lack of shell breeds fierce competition among stakeholders in the oyster fishery and impedes efforts to maximize the economic and ecological benefits. Because of limited supply, the costs are inflated. The process to gain access to a proven source of natural indigenous shell should be a unifying undertaking – and a priority. This bill does just the opposite.

For these reasons, DFA urges an UNFAVORABLE report on HB 500.

Attachments: Shell Matters; Letter to Board of Public Works with Industry Resolution;
DNR Plan ad Dredge Cuts

CONTACT: Capt. Robert Newberry at 410-708-9851 or newberry56@gmail.com
Chip MacLeod at 410-810-1381 or cmacleod@mlg-lawyers.com





Shell Matters

A prudently managed oyster fishery can be one of the most cost-effective best management practices to improve Bay water quality, while boosting the seafood industry and local economies. All aspects of oyster restoration - sanctuaries, hatcheries, aquaculture and the wild fishery - require shell:

- Baby oysters (spat) need a clean hard surface on which to strike in order to grow.
- Natural indigenous oyster shell is the absolute best substrate for oysters.
- No new pollution, sediments, pathogens or toxins are introduced into the Chesapeake Bay by using natural native shell.

Artificial substrate is not the best way forward to restore oysters in the Bay. The **scarcity of natural oyster shell for use in oyster restoration and propagation is a self-imposed shortage**; there is an enormous amount of shell – especially in the upper Bay – buried under sediment.

Shell replenishment has a proven track record of success.

- For **more than 40 years** the State dredged shell from the upper reaches of the Bay for the oyster seed and shell replenishment program. This program was terminated in 2006 (for dubious reasons) despite very successful results with oyster reproduction, market production of oysters, and **more than \$60 million in revenue** generated for the State.
- Virginia is having success dredging up natural shell (using the same dredge that Maryland operated in the upper Bay prior to 2006) and relocating the shell to where natural spat sets and recruitment are most likely to occur.
- In 2009, the General Assembly passed an emergency bill (HB 103) directing DNR to apply for the permits to dredge for buried oyster shells.
- Now pending before the Board of Public Works is a detailed DNR application, **reviewed and approved by the Army Corps of Engineers, NOAA, EPA, Coast Guard and MDE** for the regulated harvesting of shell from an area in the upper Bay for use throughout the Bay and tributaries by all stakeholders.

Man O'War Shoals

Man O'War Shoals is a **roughly 2-mile, 400 acre** natural oyster bar in the upper Bay; the area designated by DNR for controlled harvesting of shell is **approximately 30 acres**.

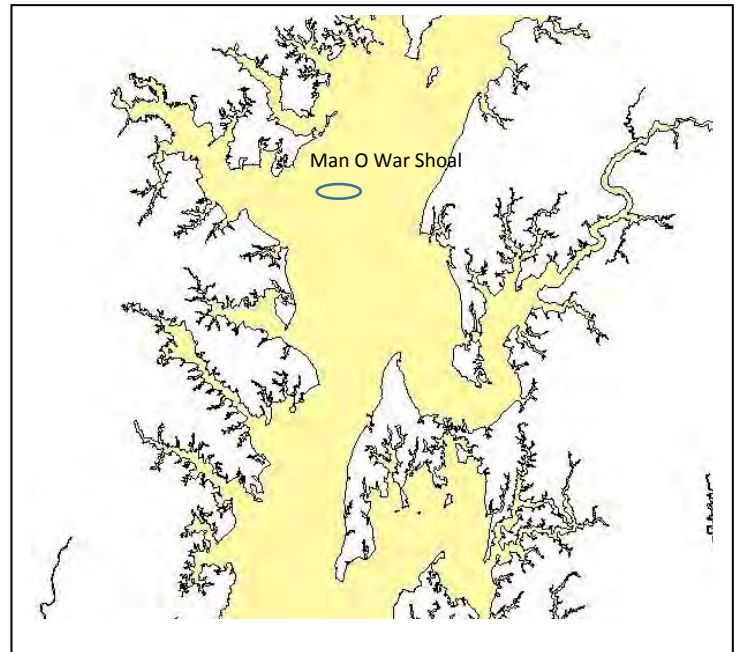
The State of Maryland should stop sanctioning the importation and dumping of rubble waste and non-indigenous shell into the Bay to create hard bottom in closed sanctuaries and instead invest in natural, proven strategies that include coordination with the seafood industry.

Maryland Department of Natural Resources

Man O War Shoal Shell Dredging Permit Application Plan Map and Dredge Cut Diagram

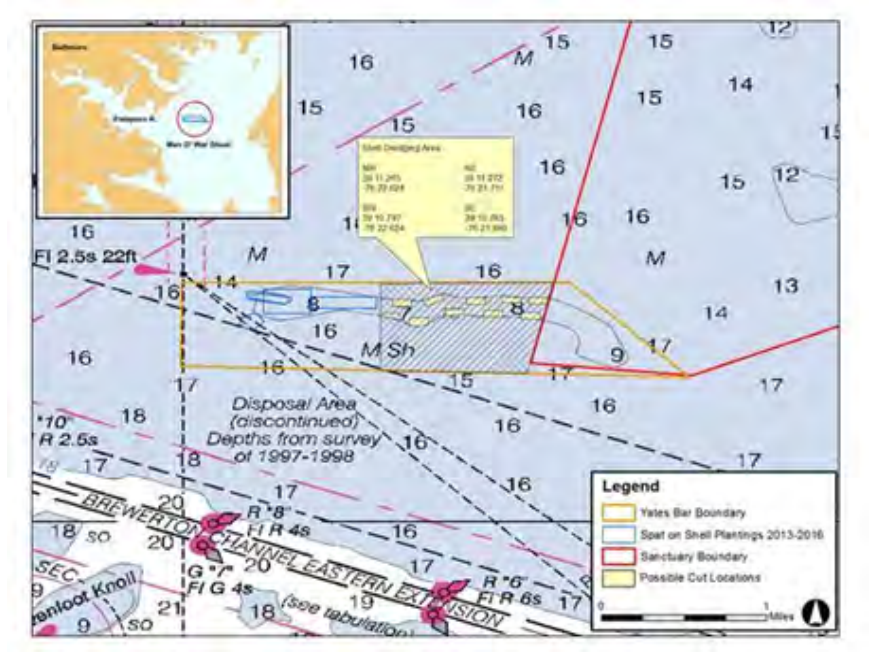
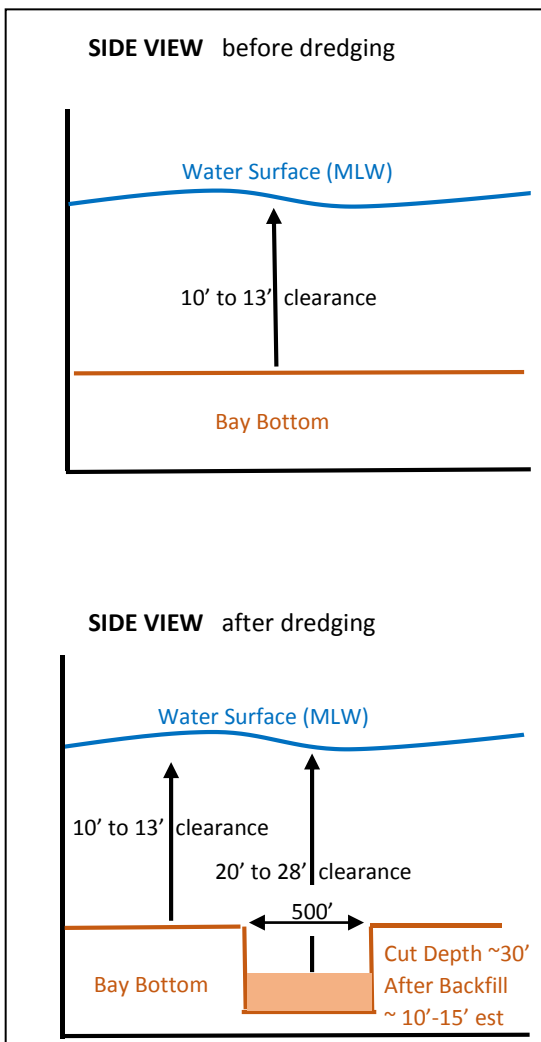
February 2017

Dredge cut locations are potential, not actual sites. Actual cut sites will be determined before dredging occurs as per conditions in the permit



SIDE VIEW of Dredge Cut

TOP VIEW of Dredge Cuts



- The proposed shell dredging area is the crosshatched area.
- Locations of dredge cuts are conceptual, for illustration purposes.
- Actual locations determined before dredging and according to the permit.
- Cut dimensions will be 500' maximum width and a length no greater than 1/3 of the way into the charted edge of the shoal (average of 275' long).
- Undredged bottom will be left between cuts.
- No greater than 10 cuts will be made to remove the proposed 5 million bushels of shell.



December 6, 2019

Honorable Lawrence J. Hogan, Jr., Governor
Honorable Peter V.R. Franchot, Comptroller
Honorable Nancy K. Kopp, Treasurer
Maryland Board of Public Works
State House
100 State Circle
Annapolis, Maryland 21401-1925

Re: Industry Resolution Requesting Action on DNR Permit Application for Man O'War Shoal Oyster Shell Dredging (Tidal Wetlands Case No. 15-WL-0757)

Dear Governor Hogan, Comptroller Franchot and Treasurer Kopp:

Enclosed please find a milestone Resolution signed by Maryland seafood industry leaders, participants and allied businesses urging the Board of Public Works to take affirmative action on the pending DNR permit application to dredge buried oyster shell at Man O'War Shoal in northern Chesapeake Bay. The Resolution we hope speaks for itself and reflects solidarity in the commercial seafood industry as evidenced by the unified support of Delmarva Fisheries Association, Maryland Watermen's Association, Maryland Oystermen Association and County Oyster Committee and County Watermen Association leaders.

Moreover, this Resolution supplements the previous letters of support from the Maryland Rural Counties Coalition and the Eastern Shore Delegation of the General Assembly for moving forward with oyster shell dredging at Man O'War Shoal, as well as the prior testimony and written comments provided by our organizations and members in full support of this call for action.

A final decision in this regard is long overdue and critical to the work of so many. Natural oyster shell is desperately needed for all aspects of oyster restoration in Maryland – aquaculture, sanctuaries, hatcheries and the commercial/public fishery. There is no dispute among all stakeholders that natural indigenous shell is the absolute best for oyster propagation and growth; and there is an enormous supply in the upper Bay, buried under sediment – where it does no good. Given all the modern-day stressors on the Bay, unmanaged oyster bars become graveyards for the iconic bivalve. The self-imposed shortage of shell is a significant obstacle to getting more oysters in the Bay – a goal we all embrace.

Knowing that Man O'War Shoal is the largest deposit of oyster shell in the State and well-aware of Maryland's successful shell replenishment program that DNR sponsored in cooperation with the commercial seafood industry for more than four decades (a program now

www.DelmarvaFisheries.org | www.CleanChesapeakeCoalition.org

120 SPEER ROAD, SUITE 1, CHESTERTOWN, MARYLAND 21620

December 6, 2019

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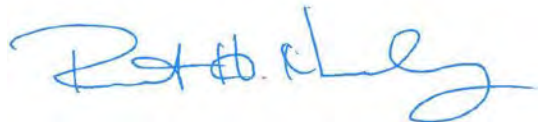
being copied by the Commonwealth of Virginia with much success – and to Maryland’s economic detriment), the reasons we hear from the opposition who would rather declare Man O’War Shoal off limits as a source of natural oyster shell are spurious at best.

We respectfully request that DNR’s pending application be prioritized as an agenda item for action by the Board of Public Works as soon as possible, and with that an opportunity to be heard. Please act now and give our collective efforts for more oysters in the water the key ingredient – shell.

Very Truly Yours,



Ronald H. Fithian
Chairman, CCC
Kent County Commissioner



Capt. Robert Newberry
Chairman, DFA

Enclosures: Seafood Industry Resolution
Eastern Shore Delegation Letter (8/21/19)
MD Rural Counties Coalition Letter (8/26/19)

cc: Jeannie Haddaway-Riccio, Secretary, DNR
Eastern Shore Delegation
Maryland Rural Counties Coalition
Maryland Watermen’s Association
Maryland Oystermen Association
Oyster Advisory Commission

*We, the Undersigned, do Hereby Support
the Following*

RESOLUTION

A Resolution by Members, Allied Businesses and Supporters of the Maryland Seafood Industry urging the Board of Public Works (BPW) to take affirmative action regarding the DNR permit application to dredge buried oyster shell at Man O'War Shoals.

RECITALS

WHEREAS, in 2009 at the request of the Oyster Advisory Commission (OAC), the General Assembly passed HB103 directing DNR to apply for a new shell dredging permit which they did on July 1, 2009 (over a decade ago). From DNR website:

This site was selected because it has the most significant deposit of buried shell (86 to 103 million bushels, Maryland Geological Survey, personal communications) among the other sites considered and does not occur within a striped bass spawning reach as do other shell deposits...In response to stakeholders' concerns about the potential ecological effects of a shell dredging project of this magnitude, the department requested an initial 5-year permit to dredge about 5 million bushels of shell as part of a **comprehensive monitoring project to assess the ecological consequences of removing shell from the shoal** (emphasis added).

WHEREAS, the following agencies, United States Army Corps of Engineers (USACE), National Oceanic & Atmospheric Administration (NOAA), National Marine Fisheries Service (NMFS), the United States Environmental Protection Agency (EPA), United States Coast Guard (USCG), and Maryland Department of the Environment (MDE), have reviewed, commented and signed off on the current version of the pending permit.

WHEREAS, a cornerstone of DNR's recently adopted Fishery Management Plan for Oysters is the availability of natural shell. This shell is required for sanctuaries, aquaculture and the public fishery. Shell from Man O'War will benefit all three. Had the permit been issued last year following the issuance of the provisional permit by USACE, the recent robust natural spatset witnessed in the lower Bay might not have been lost; both recent surveys and watermen's intimate knowledge of Bay waters reveal areas where natural spatset occurs.

WHEREAS, to address environmental concerns, the permit is limited in scope. Year 1 will be devoted to the seasonal collection of baseline environmental data on water quality, oyster populations, and fish and benthic communities. Year 2 will see the removal of approximately 2 million bushels of shell, making four cuts. Years 2 & 3 will include the collection of further seasonal monitoring data on the metrics described above. By the end of Year 4, data will be analyzed and disseminated. **In the event that no significant adverse effects are detected, in Year 5 the remaining 3 million bushels will be dredged. Any further dredging would require a new permit.** The permit allows for the dredging of up to 5 million bushels (of an estimated 86-103 million) over the course of 5 years and includes multiple levels of environmental monitoring. A decade-long delay implanting a proven strategy has had severe adverse impacts on Bay water quality, restoration efforts and the commercial fishery.

OVER →

WHEREAS, both the Eastern Shore Delegation of the Maryland General Assembly and the Maryland Rural Counties Coalition, by way of letters to Comptroller Franchot, do also support the proposed Man O'War Shoals dredging project.

WHEREAS, the timeline for this project has been drawn out to an exceptional degree and allowed for multiple agencies, organizations and individuals to provide input, plans to be revised and environmental concerns addressed. An abridged timeline follows:

2009 General Assembly of Maryland (GAM) Requests DNR Apply for Permit to Dredge Natural Shell

July 1, 2009 DNR Submits Dredging Application

Interim: Per Request from USACE, DNR Explores Alternative Shell and Non-Shell Substrate Alternatives

July 17, 2015 DNR Re-Submits Dredging Application

September 9, 2015 DNR Applies for Tidal Wetlands License

February 18, 2016 Public Comment on Tidal Wetlands License Closes

February 2017 DNR Re-Submits Dredging Application

October 2017 MDE Releases Wetland Report & Recommendation to BPW Recommending Approval of Tidal Wetlands License

November 1-21, 2017 Additional Public Notice re: Tidal Wetlands License

May 17, 2018 USACE Issues Provisional Permit to DNR for Dredging MOW Shoals

2019 Emergency Bills to Prohibit Dredging at MOW Shoals introduced during GAM Session. Did not make it out of committee.

NOW THEREFORE, BE IT RESOLVED BY THE FOLLOWING MEMBERS, ALLIED BUSINESSES AND SUPPORTERS OF THE MARYLAND SEAFOOD INDUSTRY, that that the Signatories do hereby request that the Board of Public Works takes affirmative action regarding the DNR permit application to dredge buried oyster shell at Man O'War Shoals. It is past time that a decade-old mandate by the General Assembly of Maryland, and the subsequent recommendation of the Maryland Department of Natural Resources, be realized and we finally have a definitive answer on the environmental impact of dredging buried shell, as well as a supply of the preferred substrate (i.e. clean, natural shell) to supplement restoration efforts in sanctuaries, on aquaculture bottom leases and in cages, in hatcheries, and in areas of the public fishery with historically robust natural spatset that currently lack clean, adequate, hard bottom.

ADOPTED and effective by those signatories below in September, October and November 2019.

Signatories Appended Below


BE IT RESOLVED BY THE FOLLOWING MEMBERS, ALLIED BUSINESSES AND SUPPORTERS OF THE MARYLAND SEAFOOD INDUSTRY, that that the Signatories do hereby request that the Board of Public Works takes affirmative action regarding the DNR permit application to dredge buried oyster shell at Man O'War Shoals. It is past time that a decade-old mandate by the General Assembly of Maryland, and the subsequent recommendation of the Maryland Department of Natural Resources, be realized and we finally have a definitive answer on the environmental impact of dredging buried shell, as well as a supply of the preferred substrate (i.e. clean, natural shell) to supplement restoration efforts in sanctuaries, on aquaculture bottom leases and in cages, in hatcheries, and in areas of the public fishery with historically robust natural spatset that currently lack clean, adequate, hard bottom.


Chairman, Delmarva Fisheries Association


Chairman, Calvert Oyster Committee


Chairman, Kent Oyster Committee



Chairman, Somerset Oyster Committee


Chairman, Talbot Oyster Committee
& Oyster Advisory Commissioner


Ron Fithian, Oyster Advisory Commissioner

Greg Kemp, Talbot Seafood Heritage Assoc.
& Oyster Advisory Commissioner



Bobby Whaples, Dorchester Seafood Heritage Association


Chair Anne Arundel Co
Oyster Committee

NEXT PAGE
President, Maryland Watermen's Association


Chairman, Dorchester Oyster Committee


Chairman, Queen Anne's Oyster Committee
& Oyster Advisory Commissioner



Chairman, St. Mary's Oyster Committee


Chairman, Wicomico Oyster Committee

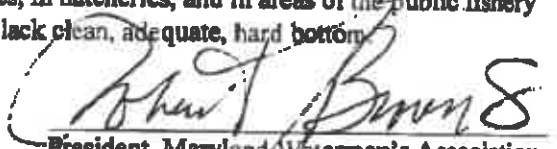

Tom Bradshaw, Oyster Advisory Commissioner

SUBSEQUENT PAGE
Jim Mullin, Maryland Oystermen Association
& Oyster Advisory Commissioner

Jack Brooks, Chesapeake Bay Seafood Industries Association


Charles County Oyster Committee

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President, Maryland Watermen's Association & Oyster Advisory Commissioner*

Chairman, Delmarva Fisheries Association

Chairman, Calvert Oyster Committee

Chairman, Dorchester Oyster Committee

Chairman, Kent Oyster Committee

Chairman, Queen Anne's Oyster Committee & Oyster Advisory Commissioner

Chairman, Somerset Oyster Committee

Chairman, St. Mary's Oyster Committee

Chairman, Talbot Oyster Committee & Oyster Advisory Commissioner

Chairman, Wicomico Oyster Committee

Ron Fithian, Oyster Advisory Commissioner

Tom Bradshaw, Oyster Advisory Commissioner

Greg Kemp, Talbot Seafood Heritage Assoc. & Oyster Advisory Commissioner

Jim Mullin, Maryland Oystermen Association & Oyster Advisory Commissioner

Bobby Whaples, Dorchester Seafood Heritage Association

Jack Brooks, Chesapeake Bay Seafood Industries Association

*Oyster Advisory Commissioner = a member of DNR's Oyster Advisory Commission.

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& Oyster Advisory Commissioner

Chairman, Somerset Oyster Committee

Chairman, St. Mary's Oyster Committee


Chairman, Talbot Oyster Committee
& Oyster Advisory Commissioner

Chairman, Wicomico Oyster Committee

Ron Fithian, Oyster Advisory Commissioner

Tom Bradshaw, Oyster Advisory Commissioner

Greg Kemp, Talbot Seafood Heritage Assoc.
& Oyster Advisory Commissioner




Jim Mullin, Maryland Oystermen Association
& Oyster Advisory Commissioner

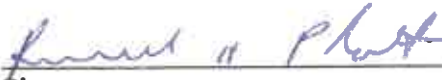
Bobby Whaples, Dorchester Seafood Heritage
Association


Jack Brooks, Chesapeake Bay Seafood
Industries Association



Dennis Nease
KENT COUNTY WATERMAN


BE IT RESOLVED BY THE FOLLOWING MEMBERS, ALLIED BUSINESSES AND SUPPORTERS OF THE MARYLAND SEAFOOD INDUSTRY, that that the Signatories do hereby request that the Board of Public Works takes affirmative action regarding the DNR permit application to dredge buried oyster shell at Man O'War Shoals. It is past time that a decade-old mandate by the General Assembly of Maryland, and the subsequent recommendation of the Maryland Department of Natural Resources, be realized and we finally have a definitive answer on the environmental impact of dredging buried shell, as well as a supply of the preferred substrate (i.e. clean, natural shell) to supplement restoration efforts in sanctuaries, on aquaculture bottom leases and in cages, in hatcheries, and in areas of the public fishery with historically robust natural spatset that currently lack clean, adequate, hard bottom.


Signature
Print Name: Christopher M. Kayhoe



Signature
Print Name: KENNETH H. PLATT



Signature
Print Name: James Thomas

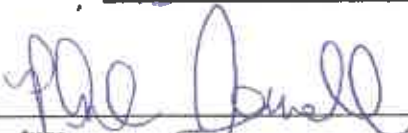

Signature
Print Name: GEORGE E. LUONGO



Signature
Print Name: George Thomas Sr


Signature
Print Name: Lenell Jones



Signature
Print Name: ALBERT S. HAMPTON



Signature
Print Name: LEON WASHINGTON


Signature
Print Name: Phil Jewell


Signature
Print Name: W. RONALD SMITH


Signature
Print Name: Michael Buttrick



Signature
Print Name: Edward Gionas



Signature
Print Name: John W. Kettering

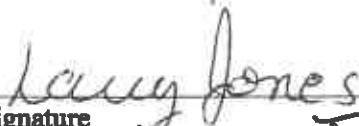

Signature
Print Name: Ian Horney


Please return to Delmarva Fisheries Association, 120 Speer Road, Suite 1, Chestertown, MD 21620 by October 4, 2019 so that we may forward in bulk to the Board of Public Works.


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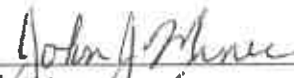

Signature
Print Name: Troy Lee

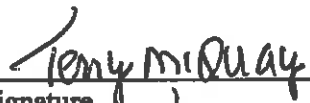

Signature
Print Name: ROBERT E. HADDAWAY


Signature
Print Name: Larry Jones



Signature
Print Name: John J. Dodge



Signature
Print Name: Rodger McQuay


Signature
Print Name: JOHN J. MINER

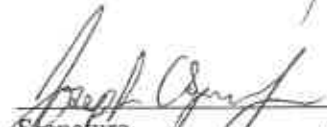

Signature
Print Name: TERRY McQUAY



Signature
Print Name: Russ Dwyer


Signature
Print Name: CRAIG BARNHART


Signature
Print Name: Guy Spurry


Signature
Print Name: Alvin Richards



Signature
Print Name: Joseph C. Sherry


Signature
Print Name: WILLIAM ALVIN RICHARDS
21



Signature
Print Name: Ed Crouch


Please return to Delmarva Fisheries Association, 120 Speer Road, Suite 1, Chestertown, MD 21620 by October 4, 2019 so that we may forward in bulk to the Board of Public Works.

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Signature
Print Name: Brian C. Williams



Signature
Print Name: Peter W. Lubin



Signature
Print Name: Ronald Swartz


Signature
Print Name: MARC VAN PELT


Signature
Print Name: Bruce Lowery


Signature
Print Name: David R. Miller


Signature
Print Name: WILLIAM SKIPPES


Signature
Print Name: Robin G. Harrison


Signature
Print Name: W. Steven Pickens

Signature
Print Name: _____

Signature
Print Name: _____

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Print Name: _____

Signature
Print Name: _____

Signature
Print Name: _____

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SENATORS

MARY BETH CAROZZA
ADDIE C. ECKARDT
JASON C. GALLION
STEPHEN S. HERSHEY, JR.



DELEGATES

STEVEN J. ARENTZ
CHAIR

JOHNNY MAUTZ
VICE CHAIR

CHRISTOPHER T. ADAMS
TREASURER

CARL ANDERTON, JR.
ANDREW CASSILLY
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KEVIN BAILEY HORNBERGER
JAY A. JACOBS
CHARLES OTTO
TERESA REILLY
SHEREE SAMPLE-HUGHES

THE MARYLAND GENERAL ASSEMBLY
ANNAPOLIS, MARYLAND 21401
EASTERN SHORE DELEGATION

August 21, 2019

Honorable Peter V.R. Franchot
Comptroller of Maryland
80 Calvert Street
P.O. Box 466
Annapolis, Maryland 21401-0466

Re: Man O'War Shoals Shell Dredging Permit

Dear Comptroller Franchot:

It has come to our attention that the Board of Public Works is revisiting the plan to utilize buried oyster from Man O'War Shoals in various oyster-related efforts in the Chesapeake Bay after the General Assembly failed to move forward with the prohibition despite vigorous efforts on the part of certain special interest groups during the 2019 session. As members of the Eastern Shore Delegation, we are pleased that spurious talking points that ignore recommendations from career scientists at the Maryland Departments of Natural Resources and the Environment, as well as the U.S. Army Corps of Engineers, developed over nearly a decade of study and analysis, failed to exacerbate the self-imposed shell shortage that has affected restoration efforts for many years.

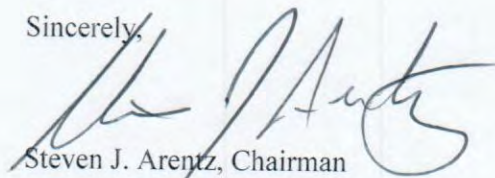
For the following reasons, the Eastern Shore Delegation supports moving forward with dredging at Man O'War Shoals:

1. Horn Point Hatchery suffered a catastrophic failure in generating spatset this year, **producing 200 times less than last year, and 300 times less than the year before**. At the same time, areas in the lower Bay are producing a bumper crop. Had DNR been able to place shell these places with strong recruitment, they could now be moving them around the Bay to suitable bottom both in and out of the sanctuaries.
2. Man O'War Shoals is a relatively isolated natural oyster bar located just to the north of the navigable channel in the Patapsco River in which ships travel to the Port of Baltimore. The shoal comprises more than 400 acres and the area designated for the harvesting of shells is approximately 30 acres (~7%) over the course of several years and incorporates extensive monitoring components.

3. The vast majority of sediments dislodged during the shell harvesting process will settle out in the navigable channel and be dredged by U.S. Army Corps of Engineers (USACE) and the Maryland Port Administration in the course of their shipping channel maintenance program. The proposed dredge site is not close to the site where Baltimore County watermen have planted oysters and the dredging activity will not have a negative impact on these efforts.
4. According to surveys conducted by MDNR over the preceding eight years, the majority of this bar has no live oysters. Additionally, the volume of fresh water that has entered the Bay from the Susquehanna during the record rainfall in 2018 and 2019 has resulted in high oyster mortality. They are not proposing to dredge in a place that would interfere with active, successful oyster growth.
5. The Eastern Shore Delegation represents constituents who rely on the bounty of the Bay and, in many cases, have done so for generations. In addition to those that work in the seafood and related industries, thousands of tourists flock to our districts each year to enjoy our waterways and activities that have their roots in watermen's culture. We support efforts that support the socio-economic success of our residents and honor the rich history that abounds here.
6. Various environmental organizations have repeatedly suggested that construction rubble would serve as a preferable substrate on which baby oysters can grow. Scientific research indicated that Mother Nature's substrate (indigenous shell) is the best for spat and it seems absurd to dump filthy *rubble* into the waters of the Chesapeake Bay in an effort to clean it up when there exists hundreds of millions of buried shell to complete the task at hand.
7. For more than 40 years, the State dredged shell from the upper reaches of the Bay for the oyster replenishment program. This program was terminated in 2006 despite very successful results with oyster reproduction, market production of oysters, and 60 million+ in revenue generated for the State. Since 2006, oysters in the upper reaches of the Bay have almost ceased to exist, other than select areas being planted by watermen's groups. Again, recent oyster surveys corroborate this information. In 2009, the General Assembly passed an emergency bill (HB 103) directing the Maryland Department of Natural Resources (DNR) to apply for the permits to dredge buried shells. It's now 2019 and past time for action.

In closing, we urge you to allow this process to finally move forward so we can get to the important work of increasing the iconic oyster in our waters. The delay threatens residents all over the Bay watershed, not just those on the Eastern Shore.

Sincerely,



Steven J. Arentz, Chairman
Eastern Shore Delegation



August 26, 2019

Honorable Peter V.R. Franchot
Comptroller of Maryland
80 Calvert Street
P.O. Box 466
Annapolis, Maryland 21401-0466

Re: Man O'War Shoals Shell Dredging Permit

Dear Comptroller Franchot:

It has come to our attention that the Board of Public Works is revisiting the permit to utilize buried oyster from Man O'War Shoals in various oyster-related efforts in the Chesapeake Bay after the General Assembly failed to move forward with the prohibition despite vigorous efforts on the part of certain special interest groups during the 2019 session. As members of the Maryland Rural County Coalition, we are pleased that spurious talking points that ignore recommendations from career scientists at the Maryland Departments of Natural Resources and the Environment, as well as the U.S. Army Corps of Engineers, developed over nearly a decade of study and analysis, failed to exacerbate the self-imposed shell shortage that has affected restoration efforts for many years.

For the following reasons, the Maryland Rural County Coalition supports moving forward with shell dredging at Man O'War Shoals:

1. Horn Point Hatchery suffered a catastrophic failure in generating spatset this year, **producing 200 times less than last year, and 300 times less than the year before.** At the same time, areas in the lower Bay are producing a bumper crop. Had DNR been able to place shell these places with strong recruitment, they could now be moving them around the Bay to suitable bottom both in and out of the sanctuaries.
2. Man O'War Shoals is a relatively isolated natural oyster bar located just to the north of the navigable channel in the Patapsco River in which ships travel to the Port of Baltimore. The shoal comprises more than 400 acres and the area designated for the harvesting of shells is approximately 30 acres (~7%) over the course of several years and incorporates extensive monitoring components.
3. The vast majority of sediments dislodged during the shell harvesting process will settle out in the navigable channel and be dredged by U.S. Army Corps of Engineers (USACE) and the Maryland Port Administration in the course of their shipping channel maintenance program. The proposed dredge site is not close to the site where Baltimore County watermen have planted oysters and the dredging activity will not have a negative impact on these efforts.

MARYLAND RURAL COUNTIES COALITION

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QUEEN ANNE'S | SOMERSET | ST. MARY'S | TALBOT | WASHINGTON | WICOMICO | WORCESTER

4. According to surveys conducted by MDNR over the preceding eight years, the majority of this bar has no live oysters. Additionally, the volume of fresh water that has entered the Bay from the Susquehanna during the record rainfall in 2018 and 2019 has resulted in high oyster mortality. They are not proposing to dredge in a place that would interfere with active, successful oyster growth.
5. The Maryland Rural County Coalition represents constituents who rely on the bounty of the Bay and, in many cases, have done so for generations. In addition to those that work in the seafood and related industries, thousands of tourists flock to our districts each year to enjoy our waterways and activities that have their roots in watermen's culture. We support efforts that support the socio-economic success of our residents and honor the rich history that abounds here.
6. Various environmental organizations have repeatedly suggested that construction rubble would serve as a preferable substrate on which baby oysters can grow. Scientific research indicated that Mother Nature's substrate (indigenous shell) is the best for spat and it seems absurd to dump filthy *rubble* into the waters of the Chesapeake Bay in an effort to clean it up when there exists hundreds of millions of buried shell to complete the task at hand.
7. For more than 40 years, the State dredged shell from the upper reaches of the Bay for the oyster replenishment program. This program was terminated in 2006 despite very successful results with oyster reproduction, market production of oysters, and \$60 million+ in revenue generated for the State. Since 2006, oysters in the upper reaches of the Bay have almost ceased to exist, other than select areas being planted by watermen's groups. Again, recent oyster surveys corroborate this information. In 2009, the General Assembly passed an emergency bill (HB 103) directing the Maryland Department of Natural Resources (DNR) to apply for the permits to dredge buried shells. It's now 2019 and past time for action.

In closing, we urge you to allow this process to finally move forward so we can get to the important work of increasing the iconic oyster in our waters. The delay threatens residents and businesses all over the Bay watershed, not just those in rural counties.

Sincerely,



Jack Wilson, RCC Chairman
Queen Anne's County

MARYLAND RURAL COUNTIES COALITION

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