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www.delmarvafisheries.org

Senate Education, Health, and Environmental Affairs Committee

Testimony in **OPPOSITION** to **Senate Bill 979**

Prohibition on Dredging on Man O'War Shoals

March 16, 2022

The Delmarva Fisheries Association (DFA) urges an **unfavorable** report on Senate Bill 979, 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. In fact, DNR's Oyster Management Review (2016-2020) and its recent evaluation of Maryland's Best Oyster Bars found that **Man O'War Shoals in upper Bay ranked last (232) among natural oyster bars**. A copy of Table C-2 is attached. Pretending that Man O'War Shoals is more deserving of protection for the betterment of oysters or the Bay generally is a distraction when there is indeed universal consensus among stakeholders that real shell is needed and there is a fully vetted permit pending at the Board of Public Works to harvest shell in an environmentally safe manner (amidst all the shipping channel dredging in upper Bay and routine influxes due to the Conowingo factor).

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 SB 979.

Attachments: DFA and MOW Shoals overview; Letter to Board of Public Works with Industry Resolution; DNR Plan ad Dredge Cuts; DNR Table C-2 (Best Oyster Bars)

CONTACT: Capt. Robert Newberry at 410-708-9851 or rnewberry56@gmail.com
Chip MacLeod at 410-810-1381 or cmacleod@mlg-lawyers.com





DELMARVA FISHERIES ASSOCIATION INC. OVERVIEW

The Delmarva Fisheries Association Inc. (DFA) represents more than 80% of the licensed commercial watermen in the region. It is the largest not for profit organization in the region focused on efforts to ensure the Chesapeake Bay and waters in the Bay's watershed; as well as the historic and unique lifestyle of watermen all survive and thrive. As the livelihoods of watermen depend on a healthy Bay with sustainable harvests, watermen are unsung heroes as environmentalists and as preservationists. Association members of DFA include the Dorchester Seafood Heritage Association, Queen Anne's County Watermen's Association, Kent County Watermen's Association, Talbot County Watermen's Association, and Maryland Clammers Association. DFA is affiliated with the Southeastern Fisheries Association. DFA is a volunteer led organization without a large operating budget, without a large reserve fund, without paid staff, without real estate holdings and without a cadre of advocates in Annapolis. DFA does not solicit donations from the public.

DELMARVA FISHERIES ASSOCIATION KEY MARYLAND INITIATIVES FOR 2022

- Funding for the most cost effective and environmentally sound processes for oyster population restoration and pollution filtering efforts e.g., natural oyster shells dredged from the Man O War Shoal in the Bay for spat seeding programs. **See attached for more details.**
- Greater urgency and commitment to efforts to address pollution from sediment trapped behind the Conowingo Dam and scoured downstream during storm events.
- Greater awareness that recent legal action to address raw sewage discharges from Baltimore area sewage treatment plants needs to acknowledge there have been much larger amounts of pollution discharges prior to the dates and violations cited included in the current lawsuit
- Greater utilization of DFA's experience, expertise, and research findings by all those charged with making policy decisions on all matters related to the Bay and commercial fisheries
- Greater recognition that harvests from wild fisheries provide seafood consumers the freshest and best tasting seafood available anywhere in the world.
- Greater support for expanding wild fisheries and stop efforts to phase out wild fisheries

DELMARVA FISHERIES ASSOCIATION CONTACTS

Board Chair – Captain Rob Newberry – rnewberry56@gmail.com

General Counsel – Chip MacLeod -- cmacleod@mlg-lawyers.com



ATTACHMENT A
REASONS TO IMPLEMENT DFA'S OYSTER RESTORATION INITIATIVE
TO DREDGE OYSTER SHELLS

FROM THE MAN O WAR SHOAL IN THE UPPER CHESAPEAKE BAY

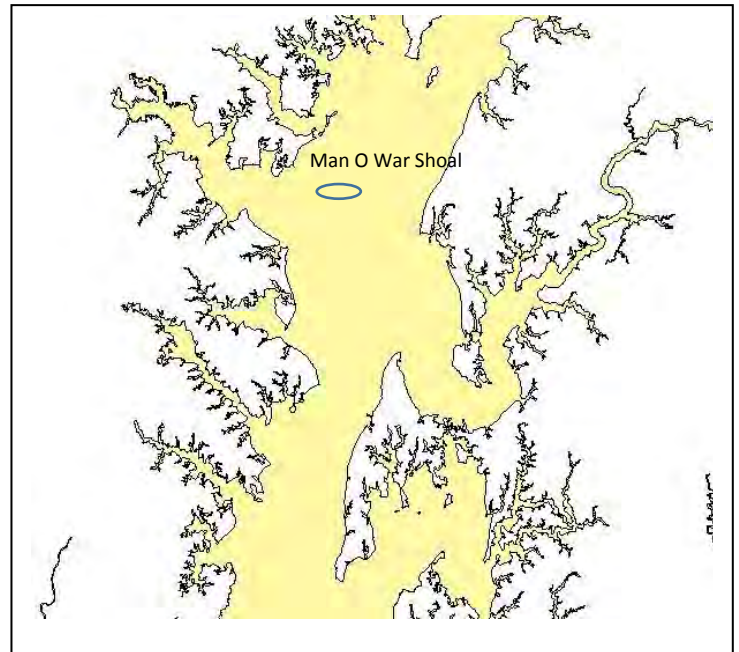
- It is a proven cost effective and an environmentally sound process to restore the Bay's oyster population.
- Hatchery produced spat on shell has a **95 to 98% MORTALITY rate**.
- Shell that is transplanted and is struck by wild oyster larvae and transplanted back to areas has a **90% SURVIVABILITY rate**.
- The \$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.
- 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.
- The increase in wild oyster harvest by commercial watermen has increased by 200% over the past 3 years; with biomass, recruitment, and spat productions at a 25-year high in public fishery areas. This has consistently increased over the past 3 years, specifically in areas that are being harvested and worked properly.
- This initiative will be a giant step toward on even more sustained success on restoring the Bay's oyster population.

Maryland Department of Natural Resources

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

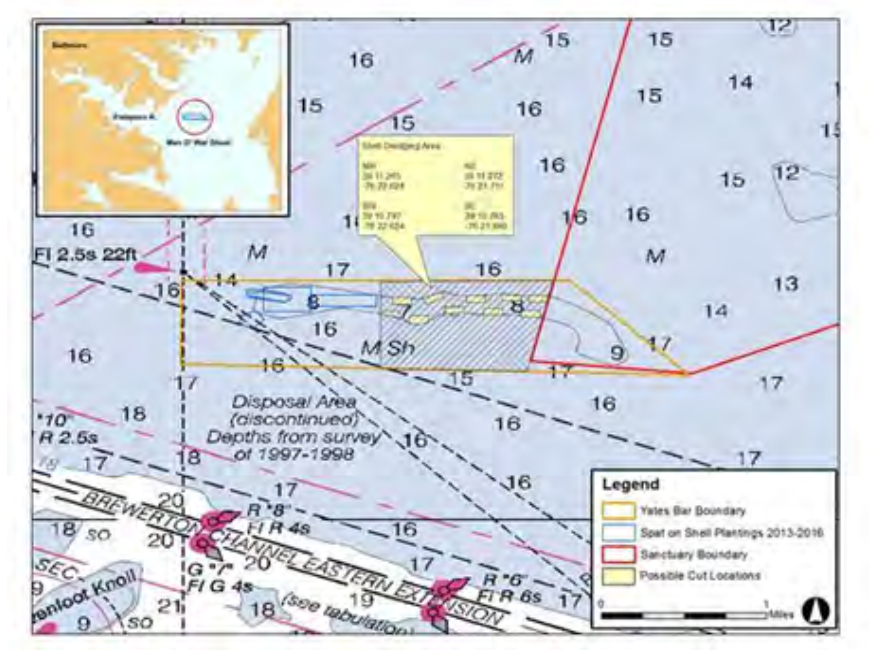
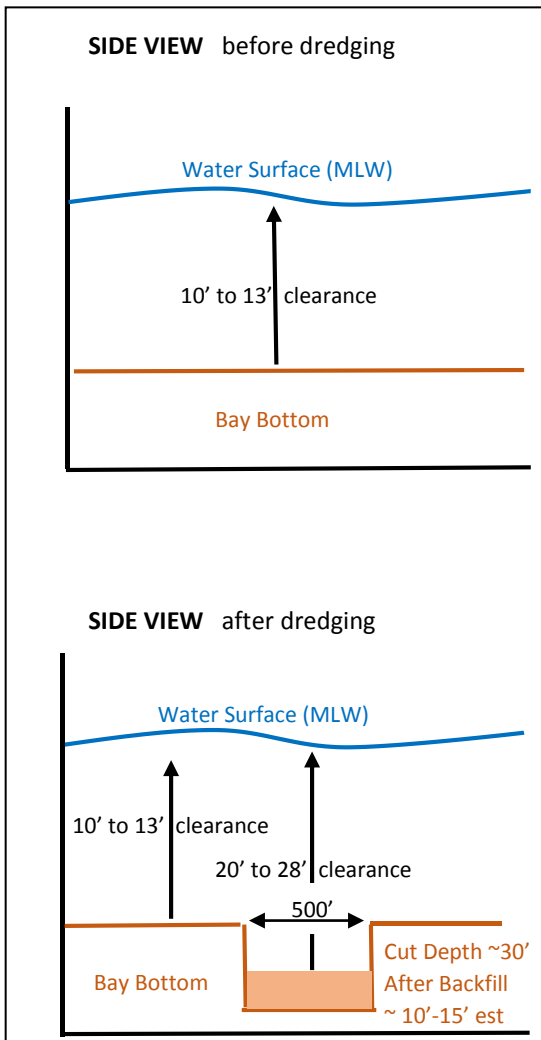
February 2017

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

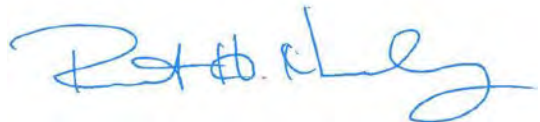
being copied by the Commonwealth of Virginia with much success – and to Maryland’s economic detriment), the reasons we hear from the opposition who would rather declare Man O’War Shoal off limits as a source of natural oyster shell are spurious at best.

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

NEXT PAGE

President, Maryland Watermen's Association


Chairman, Calvert Oyster Committee


Chairman, Dorchester Oyster Committee

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Chairman, Kent Oyster Committee

Greg Archer

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

Daniel R. Webster

Chairman, Somerset Oyster Committee

Brian Hite

Chairman, St. Mary's Oyster Committee

N. Jeff Hunt

Chairman, Talbot Oyster Committee
& Oyster Advisory Commissioner

Alan Keith Brady

Chairman, Wicomico Oyster Committee

Ron Fithian

Ron Fithian, Oyster Advisory Commissioner

Tom Bradshaw

Tom Bradshaw, Oyster Advisory Commissioner

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

SUBSEQUENT PAGE

Jim Mullin, Maryland Oystermen Association
& Oyster Advisory Commissioner

Bobby Whaples

Bobby Whaples, Dorchester Seafood Heritage
Association

Jack Brooks, Chesapeake Bay Seafood
Industries Association

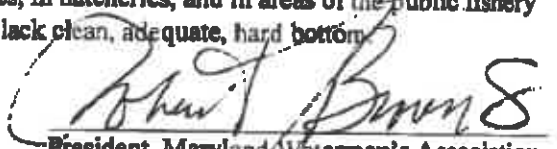
W. Witt

Chair Anne Arundel Co
Oyster Committee

Charles County

Charles County Oyster Committee

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Chairman, Dorchester Oyster Committee

Chairman, Kent Oyster Committee

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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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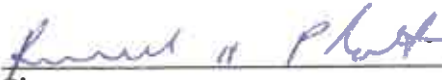
Bobby Whaples, Dorchester Seafood Heritage
Association


Jack Brooks, Chesapeake Bay Seafood
Industries Association



Dennis Nease
KENT COUNTY WATERMAN


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Signature
Print Name: Christopher M. Kayhoe



Signature
Print Name: KENNETH H. PLATT



Signature
Print Name: James Thomas

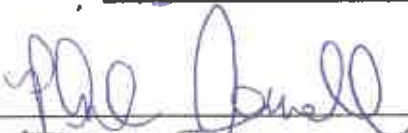

Signature
Print Name: GEORGE E. LUONGO



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 Ruth



Signature
Print Name: Edward Gionas



Signature
Print Name: John W. Kettering

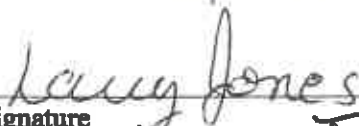

Signature
Print Name: Ian Horney


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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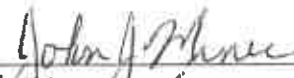

Signature
Print Name: Troy Lee

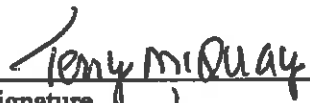

Signature
Print Name: ROBERT E. HADDAWAY


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 Jr.


Signature
Print Name: WILLIAM ALVIN RICHARDS
21



Signature
Print Name: Ed Crouch


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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: _____

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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
JEFFERSON L. GHRIST
WAYNE A. HARTMAN
KEVIN BAILEY HORNBERGER
JAY A. JACOBS
CHARLES OTTO
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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.

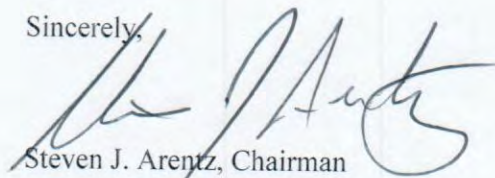
For the following reasons, the Eastern Shore Delegation supports moving forward with dredging at Man O'War Shoals:

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:

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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

ALLEGANY | CALVERT | CAROLINE | CARROLL | CECIL | DORCHESTER | FREDERICK | GARRETT | KENT
QUEEN ANNE'S | SOMERSET | ST. MARY'S | TALBOT | WASHINGTON | WICOMICO | WORCESTER

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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

ALLEGANY | CALVERT | CAROLINE | CARROLL | CECIL | DORCHESTER | FREDERICK | GARRETT | KENT
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Table C-2. Oyster bars in the Maryland portion of Chesapeake Bay that have not been planted with wild seed or hatchery seed, 2009-2018 by overall rank. N is the total number of samples for the bar, Site Count is the number of individual sites (not all sites were sampled every year) and the Sanctuary column indicates if the bar is in a sanctuary and when the sanctuary was established. The final column is the number of times the bar was ranked in the top 10% for live oysters (markets and small). The top 10 percent are highlighted in bold; rank 1 to 23. These are the 'natural best bars' for this study.

*Sanctuary status is determined by the location of the Fall Survey site.

¹A portion of this bar is in a sanctuary.

² A portion of this bar is outside the sanctuary.

Overall Rank	Bar Name	Region	N	Site Count	Sanctuary*	# of Years in top 10%
1	Deep Neck	Broad Creek	21	4	No	8
2	Great Bar	Broad Creek	23	3	No	6
3	Drum Point	Manokin River	10	1	Yes (2010) ²	6
4	Great Marsh	Harris Creek	10	1	No	6
5	Mulberry Point	Broad Creek	17	3	No	6
6	Willeys Island Flats	Broad Creek	20	2	No	5
7	Pagan	St. Marys River	10	1	Yes (2010)	7
8	Back Cove	Tangier Sound	16	7	No	6
9	Tilghman Wharf	Harris Creek	10	1	No ¹	5
10	Brown	Broad Creek	14	2	No	5
11	Horseshoe	St. Marys River	10	1	Yes (2010)	6
12	Georges	Manokin River	10	1	Yes (2010)	2
13	Ware Rock	Pocomoke Sound	10	1	No	2
14	Mine Creek	Manokin River	10	1	Yes (2010) ²	2
15	Gunby	Pocomoke Sound	20	2	No	1
16	Punch Island Creek	Lower Bay East	10	1	No	2
17	Evans	Fishing Bay	13	2	No	2
18	Irish Creek	Choptank River	10	1	No	2
19	Lakes Cove	Honga River	10	1	No	2

Overall Rank	Bar Name	Region	N	Site Count	Sanctuary*	# of Years in top 10%
20	Piney Island Swash	Manokin River	10	1	Yes (2010)	1
21	Royston	Broad Creek	20	2	No	2
22	Old Rocks	Pocomoke Sound	10	1	No	2
23	Terrapin Sands Inner	Tangier Sound	15	2	No	2
24	Marshy Island	Manokin River	20	2	Yes (2010) ²	2
25	Great Shoal	Wicomico River East	10	1	No	2
26	Coppage	St. Marys River	10	1	No	2
27	Hill	Fishing Bay	10	1	No	3
28	Wild Cherry Tree	Harris Creek	21	3	No	3
29	Town	Little Choptank River	17	2	Yes (2010)	0
30	McKeils Point	Little Choptank River	8	1	Yes (2010)	2
31	Light House	Honga River	10	1	Yes (pre-2010)	2
32	Norman Add 1	Honga River	10	1	No	1
33	Butterpot	Little Choptank River	9	1	Yes (2010)	0
34	Smoke Point	Honga River	10	1	No	1
35	Mud Rock	Tangier Sound	10	1	No	2
36	Goose Creek	Fishing Bay	11	2	No	4
37	Bean Shoal	Nanticoke River	10	1	Yes (2010)	2
38	Haines	Tangier Sound	14	2	No	1
39	Harris	Tangier Sound	10	1	No	3
40	Crab Point	Honga River	10	1	No	2
41	Old House	Fishing Bay	10	1	No	2
42	Holland Straits East	Lower Bay East	10	1	No	1
43	Peanut Hill	Little Choptank River	10	1	No	0
44	Cherry Tree	Nanticoke River	10	1	Yes (2010)	1
45	Marumsco	Pocomoke Sound	10	1	No	1
46	Point Lookout	Lower Bay West	22	3	No	2

Overall Rank	Bar Name	Region	N	Site Count	Sanctuary*	# of Years in top 10%
47	Grapevine	Little Choptank River	10	1	Yes (2010)	1
48	Clay Island	Fishing Bay	10	1	No	1
49	Sharkfin Shoal	Tangier Sound	14	2	No	1
50	Hawks Nest	Patuxent River	6	1	No	0
51	Halls Point	Wicomico River East	6	2	No	0
52	Hickory Nut	Nanticoke River	10	1	Yes (2010)	0
53	France	Choptank River	10	1	No	1
54	Northwest Middleground	Lower Bay East	20	2	Yes (2010)	1
55	Little Choptank	Little Choptank River	10	1	No	1
56	Cherry	St. Marys River	10	1	No	2
57	Susquehanna	Little Choptank River	9	1	No	2
58	Tedious Creek	Fishing Bay	10	1	No	2
59	Gravelly Run	St. Marys River	20	2	No	1
60	Ragged Point	Little Choptank River	20	2	No	0
61	Wilson Shoals	Nanticoke River	7	2	Yes (2010)	1
62	Old Womans Patch	Nanticoke River	10	1	Yes (2010)	0
63	Taylor Point	Honga River	7	1	No	1
64	Cason	Little Choptank River	10	1	Yes (2010)	0
65	Kent Point	Mid-Bay East	10	1	No	0
66	Cedar Shoal	Nanticoke River	10	1	Yes (2010)	1
67	Calvert Bay	Smith Creek	10	1	No	0
68	Chicken Cock	St. Marys River	6	1	No	1
69	Flat Rock	Pocomoke Sound	10	1	No	1
70	Butler	Lower Bay West	10	1	No	0
71	Stone	Mid-Bay East	10	1	No	0
72	Duck Island	Fishing Bay	10	1	No	3
73	Lighthouse	Choptank River	20	2	No	0

Overall Rank	Bar Name	Region	N	Site Count	Sanctuary*	# of Years in top 10%
74	Roaring Point East	Nanticoke River	10	1	Yes (2010)	0
75	Broome Island	Patuxent River	13	2	No	0
76	Applegarth	Honga River	9	1	Yes (pre-2010)	1
77	Point Lookout Sanctuary	Lower Bay West	13	2	Yes (pre-2010)	2
78	Beacons	Choptank River	10	1	No	1
79	Hambrooks	Choptank River	10	1	No	0
80	Pecks Point	Tred Avon River	8	1	Yes (2010) ²	0
81	Wetipquin	Nanticoke River	10	1	Yes (2010)	0
82	Pattison	Little Choptank River	10	1	Yes (2010)	0
83	Stone Church	Tred Avon River	10	1	No	0
84	Bachelor Point	Tred Avon River	9	1	No	0
85	Hellen	Patuxent River	10	1	No	0
86	Chlora Point	Choptank River	10	1	Yes (2010) ²	0
87	Smith Creek	Smith Creek	10	1	No	0
88	Hungerford Hollow	Patuxent River	10	1	No	0
89	Cedar Point Hollow	Lower Bay West	10	1	No ¹	0
90	Dixon	Choptank River	10	1	Yes (2010)	0
91	Rocky Beach	Lower Bay West	9	1	No	0
92	St. George Island	Potomac River Northshore	10	1	No	0
93	Turtle Egg Island	Tangier Sound	20	2	No	0
94	Mares Point	Tred Avon River	10	1	Yes (2010)	0
95	Kitts	Potomac River Northshore	10	1	No	0
96	Windmill	Honga River	10	1	No	0
97	Piney Island East Add 1	Tangier Sound	30	3	Yes (pre-2010)	0
98	Cook Point	Choptank River	14	2	Yes (2010)	0
99	Howells Point Add 2	Choptank River	10	1	No	1
100	Jones	Potomac River Northshore	22	3	No	0

Overall Rank	Bar Name	Region	N	Site Count	Sanctuary*	# of Years in top 10%
101	Chain Shoal	Tangier Sound	10	1	No	0
102	Broad Neck	Patuxent River	7	1	Yes (2010)	0
103	Big Annemessex	Big Annemessex River	9	1	No	0
104	Howells Point	Choptank River	10	2	No	0
105	Susquehanna- Sanctuary	Little Choptank River	7	1	Yes (2010)	0
106	Double Mills	Tred Avon River	10	1	Yes (2010)	0
107	Town Point	Tred Avon River	7	1	No	0
108	Piney Island West	Tangier Sound	20	2	No	0
109	Johnson Island	Eastern Bay	8	2	No	1
110	Cornfield Harbor	Potomac River Northshore	10	1	No	0
111	Mussel Hole	Tangier Sound	10	1	No	0
112	Tanners Patch	Choptank River	10	1	Yes (pre-2010)	0
113	Piney Island East	Tangier Sound	20	3	No	0
114	Louis Cove	Tred Avon River	7	1	Yes (2010)	0
115	Oyster Shell Point	Choptank River	9	2	Yes (2010)	0
116	Evans	Wicomico River East	15	2	No	0
117	Turtle Back	Miles River	10	1	No	0
118	Mill Dam	Choptank River	6	1	Yes (2010)	0
119	Mount Vernon Wharf	Wicomico River East	10	2	No	1
120	Sandy Hill	Choptank River	10	1	Yes (pre-2010)	0
121	Holland Point	Patuxent River	6	1	Yes (2010)	0
122	Brick House	Mid-Bay East	10	1	No	0
123	Dickinson	Choptank River	7	1	No	0
124	Broad Creek	Mid-Bay East	10	1	No ¹	0
125	Drum Point	Chester River	6	1	Yes (2010)	0
126	Hog Island	Lower Bay West	12	3	No	0
127	Poplar Island	Mid-Bay East	20	2	No	0

Overall Rank	Bar Name	Region	N	Site Count	Sanctuary*	# of Years in top 10%
128	Coffee	Miles River	10	1	No	0
129	Great Rock	Tangier Sound	26	3	No	1
130	Bugby	Eastern Bay	39	5	No	0
131	Lows Point	Eastern Bay	10	1	No	0
132	Hurdle	Potomac River Northshore	9	1	No	0
133	Orem	Tred Avon River	10	1	Yes (2010)	0
134	Wild Ground	Eastern Bay	10	1	No	0
135	Thomas	Patuxent River	10	1	Yes (2010)	0
136	Milbourne Shore	Potomac River Northshore	10	1	No	0
137	Wild Ground	Miles River	10	1	No	0
138	Middleground	Nanticoke River	10	1	No	0
139	Herring Island	Miles River	10	1	No	0
140	Flag Pond	Lower Bay West	10	1	Yes (2010)	0
141	Swan Reef	South River	10	1	No	0
142	Mill Hill	Eastern Bay	10	1	No	0
143	Pascahanna	Potomac River Northshore	15	2	No	0
144	Drum Point	Choptank River	10	1	Yes (pre-2010)	0
145	Persimmon Tree	Miles River	10	1	No	0
146	Bramleigh Creek	Wicomico River West	6	1	No	0
147	Sycamore	Miles River	10	1	No	0
148	Bald Eagle Add 3	Eastern Bay	10	1	No	0
149	Blue Sow	Breton/St. Clements Bays	10	1	No ¹	0
150	Shell Hill	Mid-Bay East	10	1	No	0
151	The Black Buoy	Choptank River	7	1	Yes (2010)	0
152	Love Point	Upper Bay East	10	1	Yes (2010) ²	0
153	Hollicutts Noose	Eastern Bay	11	2	No	0
154	Kingcopsico	Potomac River Southshore	10	1	No	0

Overall Rank	Bar Name	Region	N	Site Count	Sanctuary*	# of Years in top 10%
155	Bodkin Shoals	Eastern Bay	30	3	No	0
156	Turkey Point	Eastern Bay	10	1	No	0
157	Bald Eagle Add 2	Eastern Bay	10	1	No	0
158	Tall Timbers	Potomac River Northshore	10	1	No	0
159	Mills	Wye River	10	1	Yes (2010)	0
160	Nine Foot Knoll	Upper Bay West	10	1	No	0
161	Tolly Point	Mid-Bay West	8	2	No ¹	0
162	Ragged Point	Potomac River Southshore	10	1	No	0
163	Shoal Creek	Choptank River	20	2	Yes (2010)	0
164	Hackett Point	Mid-Bay West	10	1	No	0
165	Ringold Middleground	Eastern Bay	10	1	No ¹	0
166	Slaughter Creek	Little Choptank River	10	1	No	0
167	Cabin Creek	Choptank River	10	1	Yes (pre-2010)	0
168	Normans Fine Eyes	Eastern Bay	10	1	No	0
169	Maxmore Add 1	Tred Avon River	10	1	Yes (2010)	0
170	Mills West	Wicomico River West	10	1	No	0
171	Ash Craft	Miles River	10	1	No	0
172	Cohouck	Wicomico River West	9	1	No	0
173	Sandy Point South	Upper Bay West	13	2	No	0
174	Beacon	Potomac River Northshore	10	1	No	0
175	Gum	Potomac River Southshore	8	2	No	0
176	Parsons Island	Eastern Bay	11	2	No	0
177	Wickes Beach	Chester River	7	1	Yes (2010)	0
178	Seven Foot Knoll	Upper Bay West	10	1	No	0
179	Whetstone	Wye River	10	1	Yes (2010)	0
180	Cobb Island	Potomac River Northshore	7	1	No	0
181	Heron Island	Potomac River Northshore	10	1	No	0

Overall Rank	Bar Name	Region	N	Site Count	Sanctuary*	# of Years in top 10%
182	Walter White	Eastern Bay	8	1	No	0
183	Coots	Mid-Bay West	12	2	No	0
184	Tolchester Lump	Upper Bay East	10	1	No	0
185	Southeast Middleground	Patuxent River	10	1	No	0
186	Purdy Flats	South River	10	1	No	0
187	Lancaster	Wicomico River West	7	1	No	0
188	Bruffs Island	Wye River	10	1	Yes (2010)	0
189	Lower Cedar Point	Potomac River Northshore	19	2	No	0
190	Lumps East of Craighill Channel	Upper Bay West	20	2	No	0
191	Green Marsh	Choptank River	10	1	Yes (2010)	0
192	Buzzard Island	Patuxent River	10	1	Yes (2010)	0
193	Deep Shoal	Upper Bay East	10	1	No	0
194	Second Point	Miles River	10	1	No	0
195	Popes Creek	Potomac River Northshore	10	1	No	0
196	Terrapin Sands Add 1	Tangier Sound	16	2	No	0
197	West End	Miles River	5	1	No	0
198	Ebb Point	Chester River	10	1	Yes (2010)	0
199	Buoy Rock	Chester River	10	1	No ¹	0
200	Horse Race	Chester River	11	2	No	0
201	Piney Point	Chester River	14	2	No	0
202	Manahowic Creek	Wicomico River West	9	1	No	0
203	Race Horse	Wye River	10	1	Yes (2010)	0
204	Well Cove	Eastern Bay	7	1	No	0
205	Hodges	Upper Bay East	10	1	No	0
206	Mountain Point	Upper Bay West	6	1	No	0
207	Chinks Point	Severn River	10	2	Yes (pre-2010)	0
208	Old Field	Chester River	7	1	Yes (2010) ²	0

Overall Rank	Bar Name	Region	N	Site Count	Sanctuary*	# of Years in top 10%
209	Strong Bay	Chester River	18	2	Yes (pre-2010)	0
210	Spaniard Point	Chester River	7	1	Yes (2010)	0
211	Durdin	Chester River	10	2	No	0
212	Black Walnut	Breton/St. Clements Bays	10	1	Yes (2010)	0
213	Wye River Middleground	Wye River	10	1	Yes (2010)	0
214	Boathouse	Chester River	8	1	Yes (2010)	0
215	Sheepshead Bay	Potomac River Northshore	9	1	No	0
216	Sheep	Chester River	10	1	Yes (pre-2010)	0
217	Sixfoot Knoll	Upper Bay West	5	1	No	0
218	Rock Point	Wicomico River West	5	1	No	0
219	Long Point	Miles River	10	1	Yes (2010)	0
220	Old Womans Leg	Tangier Sound	10	1	No	0
221	Shippen Creek	Chester River	10	1	Yes (pre-2010)	0
222	Emory Hollow	Chester River	10	1	Yes (2010)	0
223	Swan Point	Upper Bay East	9	1	No ¹	0
224	Coal Lump	Upper Bay West	10	1	No	0
225	White Point	Wicomico River West	5	1	No	0
226	Swan Point	Potomac River Northshore	13	2	No	0
227	Bluff Point	Chester River	10	1	No ¹	0
228	Cliff	Chester River	10	1	Yes (2010)	0
229	Mouth Of River	Wicomico River West	8	1	No	0
230	Flat Rock	Upper Bay East	10	1	No	0
231	Holland Point	Mid-Bay West	10	1	Yes (2010)	0
232	Man O' War Shoals	Upper Bay West	10	1	No ¹	0