

April 4, 2019

The Honorable Michael E. Busch
Speaker of the Maryland House of Delegates
H-101 State House
Annapolis, MD 21401

Dear Speaker Busch:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed House Bill 298 – *Oysters - Tributary-Scale Sanctuaries - Protection and Restoration*.

My administration has committed a historic \$5 billion towards wide ranging Chesapeake Bay initiatives. Our investment is paying off; on its latest report card the Chesapeake Bay received the highest score for water quality ever recorded. My administration has been, and will continue to be, the strongest advocate for oyster sanctuaries in the Chesapeake Bay. Science has proven that sanctuaries are an important and effective tool to manage and restore our oyster fishery, and to protect the health of the Bay. In September 2018, the Maryland Department of Natural Resources selected the Manokin River in Somerset County as the fifth and final tributary for large-scale oyster restoration as per Maryland's commitment to the Chesapeake Bay Watershed Agreement. The Manokin joined Harris Creek, Little Choptank, Tred Avon and the Upper St. Mary's rivers as the state's large-scale oyster restoration tributaries.

Under my leadership as governor and as chairman of the six-state regional Chesapeake Executive Council, we have made tremendous strides in restoring the Bay by making record investments and fighting to protect critical federal funding. The result has been the healthiest ecosystem the state has seen in over three decades. In fact, the most recent Bay Barometer from the Chesapeake Bay Program reported this week that the Bay is now experiencing the highest water quality score since monitoring began more than 30 years ago, as well as "record-breaking" improvements in underwater grasses. We must continue to take swift action on the health of the Chesapeake Bay.

The foundation of our success over the past five years has been a reliance on scientifically-supported, evidence-based policies that take into account the views of all stakeholders; every partner in the process wants a cleaner, healthier Bay and I have always believed that we can achieve that goal through respect, cooperation and honest dialogue. The Department of Natural Resources has worked very carefully, in a balanced way, to create an inclusive process that has maximized stakeholder input and developed a consensus approach to the stewardship of oysters in the Chesapeake Bay and its tributaries.

House Bill 298 circumvents that progress and demonstrates outright contempt for those who were asked to work together to arrive at a consensus solution over the past four years. Sadly, this is occurring just as we were making measurable progress.

In March 2018, the OysterFutures stakeholder workgroup voted unanimously in favor of a package endorsing a science-based and multi-faceted approach to restoration in the Choptank region, which hosts three of the five large-scale oyster sanctuaries. The Oyster Advisory Commission publicly praised the consensus package shortly afterwards. Inexplicably, with progress underway, House Bill 298 prohibits implementation of the OysterFutures recommendations that were agreed to by everyone and that established balanced resource management.

Shamefully, after initially committing to this successful process, a special interest group, who is now apparently unhappy with their own recommendations, has cynically asked the Maryland General Assembly to intervene and discard the balanced plan that resulted from their own efforts.

The lack of regard for others, for the process, and for oysters is disgraceful and is apparent in the actions of the Chesapeake Bay Foundation. Obstructing the consensus recommendations from OysterFutures delays progress on oyster restoration in the Chesapeake Bay and erodes trust critical to the consensus process. House Bill 298 greatly damages this promising policy-making model for the future before it even gets started.

When a diverse group of volunteer citizens and scientists reach a consensus and their hard work is thrown out by legislative interference, future efforts will face a chilling effect. What incentive do these groups have to participate when their hard-won compromise efforts are tossed aside? This is cynical, Washington D.C. politics at its worst and I won't allow it. This bill is bad policy, is bad for our watermen--and worst of all--is bad for the Chesapeake Bay.

My administration attempted in a bipartisan fashion to work with the General Assembly on a compromise to protect and restore oyster sanctuaries that would have allowed us to exceed our goals under the Chesapeake Bay Agreement, and keep to the intent of the Bay Agreement to apply adaptive management strategies where data and science guide us. Sadly, House Bill 298 disrupts a fair process that was working well, and ignores good science and citizen consensus on how to best enhance the oyster population. For these reasons, I have vetoed House Bill 298.

Sincerely,
Lawrence J. Hogan, Jr.
Governor