CHESAPEAKE BAY FOUNDATION

Environmental Protection and Restoration
Environmental Education

House Bill 1133
Oysters – Tributary-Scale Sanctuaries

Date: March 2, 2022
To: Environment and Transportation Committee
Position: Oppose
From: Allison Colden, Senior Fisheries Scientist

Chesapeake Bay Foundation (CBF) **OPPOSES** HB 1133 which would remove the Manokin River as a tributary-scale sanctuary slated for large-scale restoration and replace it with the Severn River. This action would undermine a significant public process that selected the Manokin River, run counter to best practices recommended by oyster restoration experts, and render moot millions of dollars of state and federal investment that have already been committed to the Manokin River.

HB 1133 threatens Maryland's ability to achieve its Chesapeake Bay Watershed Agreement commitments.

In 2014, through the Chesapeake Bay Watershed Agreement, Maryland and Virginia committed to restoring oyster populations in ten tributaries by 2025 and ensuring their protection. To date, Maryland has completed work in three out of five tributaries (Harris Creek, Little Choptank River, and Tred Avon River). There are just over three years remaining to fully complete restoration in St. Mary's River and the Manokin River. The Manokin River is the largest restoration project to date, comprised of more than 400 acres, which is expected to be completed just under the 2025 deadline. Selecting a new tributary to serve as Maryland's fifth restoration tributary would require surveying, permitting, public hearings, execution of new procurement contracts and other administrative procedures which would put restoration efforts significantly behind schedule and threaten Maryland's ability to meet the objectives of the Chesapeake Bay Watershed Agreement.

Significant state resources have already been invested in the Manokin River.

The Manokin River was selected as Maryland's fifth tributary for large-scale oyster restoration in 2018. In July 2020, the restoration blueprint for the Manokin River was completed and survey and groundtruthing work have been ongoing since. In 2021, 73.4 million oysters were planted on 15 acres to bring the total number of restored acres in the Manokin to 35. The State has also already awarded a multi-million-dollar contract for the construction of oyster reefs in the Manokin River. Removing the Manokin River as a restoration tributary would result in significant losses to the State of Maryland due to these sunken costs.

Selection of the Manokin River for large-scale restoration follows recommendations of the Chesapeake Bay Native Oyster Restoration Master Plan.

In the Chesapeake Bay Native Oyster Restoration Master Plan, each tributary in Maryland was assigned to Tier 1 or Tier 2 priority for oyster restoration based on a broad suite of ecological considerations. Both the Manokin and Severn Rivers were designated as Tier 1 tributaries for restoration; however, the Plan acknowledges that within Tier 1, medium and high salinity tributaries, like the Manokin River, should be

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restored first. The plan states, "Achieving self-sustainability will be particularly challenging in the lower salinity tributaries (i.e. Severn, South, lower Chester, upper Choptank) which historically had low spatsets… These low salinity tributaries are not expected to be the first selected from the Tier 1 list. Due to the challenges of low reproduction expected, it is anticipated that they would follow, at some point in the future, efforts in other tributaries… Sound planning will rely on lessons learned from working in the other tributaries to help guide restoration in these very challenging, low salinity tributaries."

This recommendation does not exclude the Severn River from future restoration but recognizes that large-scale restoration will be more difficult to achieve in the Severn because it has lower salinity. Higher salinity tributaries should be restored first so that lessons learned under less challenging environmental conditions can be applied to improve restoration success in low salinity areas.

Replacing the Manokin River with the Severn River as a tributary-scale sanctuary undermines an extensive public process.

The selection of the Manokin River as a tributary-scale sanctuary for restoration came after an extensive public process that included the Maryland Oyster Advisory Commission, the Department of Natural Resources, the Chesapeake Bay Program, federal agency partners and others. The selection of the Manokin River as a restoration tributary was reviewed and approved by the Chesapeake Bay Program's Sustainable Fisheries Goal Implementation Team. Development of the Manokin restoration blueprint included consultation with the Somerset County Watermen's Association, Somerset County Oyster Committee, and oyster leaseholders in the Manokin River along with state and federal agencies and nonprofit organizations. HB1133 would undermine this extensive public input process by unilaterally replacing the Manokin River with the Severn River as a tributary-scale sanctuary for restoration.

To conclude, large-scale oyster restoration in the Manokin and Severn Rivers need not be mutually exclusive; indeed, further restoration in additional tributaries will be necessary to bring Maryland's oyster population back to levels which achieve meaningful ecosystem function. Instead, Maryland could consider taking similar action as Virginia, which recently added the Lafayette River as a sixth restoration tributary.

CBF urges the Committee's UNFAVORABLE report on HB 1133. For more information, please contact Dr. Allison Colden, Maryland Senior Fisheries Scientist at acolden@cbf.org and 443.482.2160.