HB1133_Severn_River_Association_FAV (1).pdf
Uploaded by: jesse iliff
Position: FAV

Severn River ~ASSOCIATION~
It's a New Day @ SRA!
P.O. Box 146 • Annapolis, MD 21404

Committee: House Environment and Transportation
Legislation: HB 1133
Position: SUPPORT
Date: March 2, 2022

Dear Chairman Barve and Members of the Committee:

The Severn River Association (SRA) requests a favorable report for HB 1133, which would accelerate oyster restoration in the Severn River.

Introduction

At the outset, SRA wants to emphasize that it supports oyster restoration throughout the Chesapeake Bay. We are mindful that House Bill 1133 seeks to move ongoing restoration work from the Manokin River to the Severn River. The SRA does not intend to diminish restoration effort in the Manokin – which we very much hope one day resumes – but to advise the legislature of the unique opportunity to use the hiatus on the Manokin to restore oysters in the Severn--Maryland's capital river.

Background on Severn River Oyster Restoration

The entire Severn River (7,804 acres) was officially designated as an Oyster Sanctuary in 2010. Despite that designation, there has not been oyster restoration on a scale like that in the other tributaries targeted for restoration pursuant to the 2014 Chesapeake Bay Agreement.[1] The Severn River contains 1,383 acres of historic oyster bottom consisting of twenty seven historic oyster bars, twenty five fully within the sanctuary and two extending over the boundary (in addition to several reef areas that have been constructed that are not on historic oyster bars.) The DNR has defined 1,020 acres as currently restorable oyster habitat in the Severn River Oyster Sanctuary (not including reefs created from alternative substrate).[2]

Communities along the Severn River are among the strongest supporters of oyster restoration in Maryland. They have shown continued support for sustained oyster restoration. In 2018, the SRA and Oyster Recovery Partnership launched Operation Build-a-Reef, an enthusiastic, home grown oyster restoration program that has planted over 85 Million spat-on-shell planted since inception. Severn River residents are passionate about restoring oysters to the Severn River. The Severn River has over 300 volunteers supporting over 1500 cages of oysters through the Marylanders Grow Oysters (MGO) program. We believe this is the largest single-tributary MGO program in the Chesapeake Bay. Moreover, in 2018 advocates with SRA lobbied the Oyster Advisory Commission to be selected as the 5th targeted tributary for large-scale oyster restoration pursuant to the Bay Agreement, because we know that with the level of investment those tributaries receive for oyster restoration, the Severn could once again be made into the thriving river it once was.

Oyster planted in the Severn do very well. Despite the record rainfall of 2018 and the subsequent low salinity levels in 2018-2019, the survivability of the plantings of 2018 is high, based on data from

[1] https://www.chesapeakebay.net/documents/FINAL_Ches_Bay_Watershed_Agreement.withsignatures-HIres.pdf
[2] https://dnr.maryland.gov/fisheries/Documents/AnneArundel_ComplexPlan.pdf

SRA-sponsored reef monitoring dives in 2020 and 2021. These data are collected by deeply motivated volunteers and outside partners. The SRA has a reef monitoring protocol in place and plans to monitor oyster reefs for the long term, working with organizations such as Black Girls Dive Foundation. The SRA also monitors water quality at each oyster planting site which shows acceptable levels of dissolved oxygen and salinity for oysters to survive in those areas.

Policy Considerations

The Severn river presents the opportunity to study large-scale restoration on the upper western shore where disease prevalence for oysters is lower than the other restoration tributaries due to lower salinity. Historically the Severn had 27 significant oyster bars. Based on the excellent survival rate and even some limited natural reproduction resulting from restoration efforts to date, we expect that with enough brood stock and dense enough plantings that the Severn will experience sustainable spat set. Thus, the Severn oyster restoration would be a great test case for other bay tributaries with low salinity that used to have oyster bars, to see how successful restoration may be in the upper Bay.

Additionally, the Department of Natural Resources has developed the " Anne Arundel Complex-Magothy, Severn and South Rivers Oyster Restoration Plan"[3] which can be used as a framework for siting specific plantings for large-scale oyster restoration in the Severn. This detailed plan "evaluates areas within the Magothy, Severn and South River sanctuaries that are suitable for restoration efforts. The plan includes specific areas targeted for restoration work, an analysis of the seed required, and an estimated cost." Thus, much groundwork has already been accomplished to facilitate direction of State and Federal resources for oyster restoration into the Severn River, should public opposition to the restoration work in the Manokin result in passage of HB1133.

Respectfully submitted,

Jesse L. Iliff
Executive Director
Severn River Association
jesse@severnriver.org

[3] https://dnr.maryland.gov/fisheries/Documents/AnneArundel_ComplexPlan.pdf

HB 1133 CBF_OPPOSE.pdf
Uploaded by: Allison Colden
Position: UNF

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

Maryland Office ▪ Philip Merrill Environmental Center ▪ 6 Herndon Avenue ▪ Annapolis ▪ Maryland ▪ 21403
Phone (410) 268-8816 ▪ Fax (410) 280-3513

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.

HB1133_CCAMD.pdf
Uploaded by: David Sikorski
Position: UNF

COASTAL CONSERVATION ASSOCIATION MARYLAND

ANGLERS WORKING TO CONSERVE, PROMOTE AND ENHANCE MARYLAND'S MARINE RESOURCES

March 2, 2022

To: Honorable Kumar P. Barve, Chair
Honorable Dana Stein, Vice Chair
Honorable Members of the House Environment and Transportation Committee

Re: **House Bill 1133** –Oysters – Tributary – Scale Sanctuaries

CCA Maryland Position: OPPOSE

As anglers and avid users of our natural resources, CCA Maryland members work hard to promote sensible **science-based management measures to support sustainable fisheries for the benefit of the general public** and the long-term health of the Chesapeake Bay.

Unfortunately, HB 1133 does not reflect a science-based approach to making changes to the current Chesapeake Bay Watershed Agreement and subsequent plans to restore oysters in five tributaries in Maryland's portion of the Chesapeake Bay by 2025.

In 2019, House Bill 298 addressed the importance of oyster sanctuaries and codified in law that portions of the Manokin River would remain a sanctuary based on science-based metrics consistent with current information. Meeting such metrics and goals are part of existing plans, contracts and other actions to meet the 2025 Watershed Agreement deadline.

The Severn River may meet the standards of a future oyster restoration tributary, but the river should only be considered for future protection as an oyster sanctuary through a public and science-based deliberative process, not as a trade for the Manokin River plan as this bill suggests.

For these reasons, we respectfully request a UN-FAVORABLE vote on HB 1133 *For further discussion regarding this issue, please contact CCA Maryland Executive Director, David Sikorski – (443)621-9186 – david@ccamd.org*

HB1133_INFO_Eutsler
Uploaded by: Lisa Eutsler
Position: INFO

MARYLAND
DEPARTMENT OF
NATURAL RESOURCES

Bill Number: House Bill 1133

Short Title: Oysters – Tributary–Scale Sanctuaries

Department's Position: Letter of Information

Explanation of Department's Position

The Maryland Department of Natural Resources (DNR) provides the following information on HB 1133, which repeals provisions of law that include the Manokin River oyster sanctuary as one of five oyster sanctuaries in the state selected for tributary-scale restoration by 2025, and replaces it with the Severn River.

The 2014 Chesapeake Bay Watershed Agreement, which guides the work of the Chesapeake Bay Program (CBP), calls for state and federal partners to "Continually increase finfish and shellfish habitat and water quality benefits from restored oyster populations. Restore native oyster habitat and populations in 10 tributaries by 2025 and ensure their protection." (Chesapeake Executive Council 2014). Five tributaries are to be located in Maryland and five in Virginia.

In 2018, the Oyster Advisory Commission recommended to DNR that the Manokin River be named as the fifth tributary. Responsibility for achieving this goal rests with CBP's Sustainable Fisheries Goal Implementation Team (GIT). For Maryland, the Sustainable Fisheries GIT convened a Maryland Interagency Workgroup (Workgroup) to plan, implement, and track progress toward this goal. That workgroup included broad representation from academia, environmental groups, scientists, and the commercial industry.

A portion of the Manokin River was designated as an oyster sanctuary and has been closed to wild commercial oyster harvest since 2010. The Workgroup developed a goal of restoring 441 acres within the 17-mile long river. The locations where restoration would actually occur was determined by identifying the areas within the sanctuary that were most "suitable" for oyster restoration and then eliminating areas that were not; however in 2019, the Maryland General Assembly passed legislation designating the entire Manokin River as a sanctuary. The bill also codified in statute that the Manokin be the fifth tributary and that all work be completed by 2025.

This proposed legislation would nullify all efforts expended to date related to the design and planning of the Manokin River oyster restoration project. As the legislation is currently drafted, it would not be possible to meet the 2025 federal and state deadline if the large-scale restoration

Contact: Bunky Luffman, Director, Legislative and Constituent Services
Bunky.luffman1@maryland.gov ◆ 410-689-9165

area was switched to the Severn River.

The department is currently undergoing restoration in the Anne Arundel County tributaries. Hatchery spat-on-shell has been planted in these sanctuaries, including the Severn River, in recent years and approximately 70 million spat-on-shell is scheduled to be planted in 2022.

For any additional information, please feel free to contact our Legislative and Constituent Services Director, Bunky Luffman.