

May 24, 2019

The Honorable Thomas V. Mike Miller, Jr.  
President of the Senate  
H-107 State House  
Annapolis, MD 21401

The Honorable Adrienne A. Jones  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. President and Madam Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed Senate Bill 830 and House Bill 720 – *Natural Resources – Fishery Management Plans – Oysters*.

Under my leadership as governor and as chairman of the 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 that the Bay is now experiencing the highest water quality score since monitoring began more than 30 years ago. 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 and transparent 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.

Senate Bill 830 and House Bill 720 are intended to resemble the OysterFutures consensus process led by the University of Maryland Center for Environmental Science in which the department participated between 2016 and 2018 alongside industry and environmental advocacy representatives. The intent was to craft oyster restoration policy on a bilateral basis with meaningful stakeholder input. I believe strongly that the OysterFutures model is an effective governance tool that could be

utilized to create balanced policy for one of our state's most precious resources. However, for all of the positive outcomes delivered thus far by the OysterFutures model, this legislation fails significantly in both its spirit and its substance.

At their core, HB 720 and SB 830 fly in the face of the goodwill, cooperation, and trust that characterized the original OysterFutures effort. Following on the heels of the three-year statutory delay that prevented the revision of oyster management practices until the completion of an oyster stock assessment earlier this year, the same group of legislative and environmental advocates is again making an end run. Under this bill, the department's implementation of thoughtful and science-based management practices is forbidden for at least another two years or until the cumbersome, reconstituted Oyster Advisory Commission – nearly double in size from the original OysterFutures workgroup – is able to develop a statewide consensus package.

Not only are the goal posts on oyster restoration continually being moved, but the legislation also delays the implementation of several key recommendations of the original OysterFutures effort pertaining to the Choptank and Little Choptank rivers. To obstruct the unanimous consensus recommendations from the original workgroup chills trust critical to the process, leading to the question of whether the bill and its proponents are ultimately setting this latest stakeholder group up for failure.

While highly ambiguous in its language, the intent of HB 720 and SB 840 – through committee and floor debate – appears to allow the reconstituted Oyster Advisory Commission to create a new Oyster Fishery Management Plan that the department is required to implement verbatim, which poses serious constitutional questions. The legislation is also far from clear on what extent the department is able to execute the full range of strategies in its 2019 Oyster Management Plan before the bill's new OysterFutures process is constituted, potentially hamstringing the department from efforts to rebuild stock and ensure a sustainable harvest. With the department's ambitious goal of achieving a sustainable fishery in eight to 10 years, they must be allowed to take action now. Furthermore, it evades transparency in the oyster policy process and instead would statutorily exempt the group from public scrutiny and accountability.

The lack of regard for others, for the process, and for oysters that pervades this legislation is apparent in the actions of the Chesapeake Bay Foundation. My administration strongly opposes secret backroom dealmaking that will endanger the State's long-term oyster restoration efforts, especially at a time when we are just making measurable progress.

For these reasons, I have vetoed Senate Bill 830 and House Bill 720.

Sincerely,

Lawrence J. Hogan, Jr.  
Governor