



CHESAPEAKE BAY FOUNDATION

Environmental Protection and Restoration
Environmental Education

House Bill 593

Department of Natural Resources – Oyster Shell Dredging – Permit Application

Date: February 16, 2022

Position: **OPPOSE**

To: Environment and Transportation Committee

From: Allison Colden, Sr. Fisheries Scientist

Chesapeake Bay Foundation (CBF) **OPPOSES** HB 593, an emergency bill which directs the Maryland Department of Natural Resources (DNR) to apply for permits to dredge buried oyster shell on 26 different oyster bars and in the Potomac River. It specifies that this shell is to be used exclusively for fishery repletion and placed at the direction of the County Oyster Committees and the Oyster Recovery Partnership's Board of Directors.

This bill would destroy critical habitat for federally endangered and commercially important species.

HB 593 directs DNR to apply for shell dredging permits for 26 different oyster bars and the Potomac River. Many of these areas overlap with critical habitat for federally endangered Atlantic sturgeon, designated spawning grounds for Maryland's iconic striped bass, and oyster sanctuaries (see *Attachment*). Under the Endangered Species Act of 1973, critical habitat is defined as "specific areas within the geographical area occupied by the species at the time of listing that contain physical or biological features essential to the conservation of the species...". DNR identifies striped bass spawning reaches as "areas established for special conservation actions" and has previously declined to pursue shell dredging permits for several of the areas named in HB 593 because of their location in key striped bass spawning areas (e.g. Shad Battery Shoal, Plum Point, Worton Point, Potomac River). Lastly, some of the listed areas overlap with oyster sanctuaries, a direct conflict with the intent and purpose of areas intended to serve as oyster habitat.

DNR's Repletion Program failed to produce any lasting results for Maryland's oyster population.

Large-scale oyster shell dredging was previously carried out by DNR from 1960-2006 under the so-called Repletion Program. Over the course of four decades, more than 200 million bushels of shell were mined from ancient shell deposits in the upper Bay and moved down the Bay to areas with higher oyster reproduction. Despite this massive undertaking, the program failed to produce any significant or lasting benefit to the oyster population or oyster habitat. Between 1980 and 2009, oyster abundance declined 92% and habitat declined 70%. HB 593 would be a return to this costly and ineffective program.

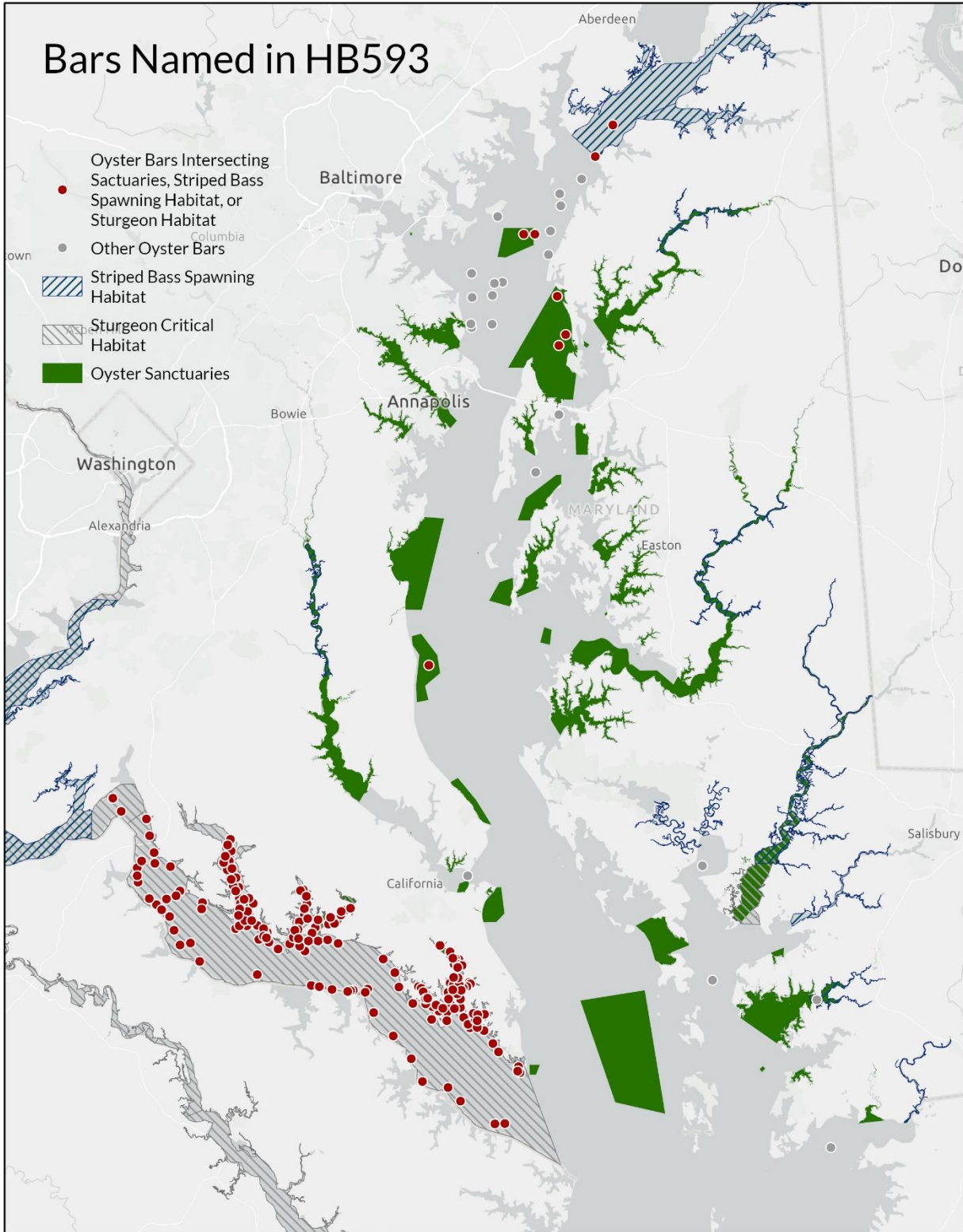
Scientific modeling suggests this action would result in further declines in oyster abundance.

A scientific model developed to support the recent Oyster Advisory Commission consensus process was used to evaluate the effects of reinstating the shell dredging program on oyster abundance, habitat, harvest, and nutrient removals over the next 25 years. Model results indicated that reinstating this program would result in fewer oysters than current management approaches in which large-scale shell dredging is not used. Applying these results, HB 593 would result in worse outcomes for Maryland's oyster populations and the health of the Chesapeake Bay.

CBF urges the Committee's UNFAVORABLE report on HB 593. For more information, please contact Dr. Allison Colden, Maryland Senior Fisheries Scientist at acolden@cbf.org and 443.482.2160.

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ATTACHMENT



Data Source: Maryland DNR; NOAA; MD HB593

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