

HB 500_CBF SUPPORT.pdf

Uploaded by: Allison Colden

Position: FAV



CHESAPEAKE BAY FOUNDATION

*Environmental Protection and Restoration
Environmental Education*

House Bill 500

Dredging on Man-O-War Shoals – Prohibition

Date: February 16, 2022

To: Environment and Transportation Committee

Position: **SUPPORT**

From: Allison Colden, Sr. Fisheries Scientist

The Chesapeake Bay Foundation strongly **SUPPORTS** House Bill 500 as means to protect the last remaining three-dimensional oyster reef in Maryland waters. HB 500 would prohibit destructive dredging of buried oyster shells at Man-O-War Shoals by the Department of Natural Resources (DNR).

Man-O-War Shoals, located near the mouth of the Patapsco River in Baltimore County, is the last remaining relic three-dimensional oyster reef in the upper Chesapeake Bay. MOW Shoals once supported a robust oyster population and currently serves as important habitat for several commercial and recreational fishes.

Proponents of dredging at Man-O-War Shoals cite falling oyster numbers throughout the Bay as a need to remove shell to place in other areas; however, the limited, short-term shell availability of shell is unlikely provide a significant benefit and is outweighed by the adverse effect on habitat. For example, if DNR dredged MOW Shoals, and 100% of the shell were allocated to the oyster industry, targeted plantings on the top five harvest-producing areas could only cover 2% of the oyster habitat in those regions, planted one time. Given the half-life of oyster shell is estimated to be 3-6 years and oysters do not usually reach market size until 3 years old, those areas could be harvested twice before the shell is gone. Without a long-term plan to increase oyster habitat in the Bay through restoration and sustainable harvest management, the dredging of MOW Shoal will result in a net loss of oyster and fish habitat.

Though the number of oysters on MOW Shoals has diminished, the habitat remains critically important for American eel, shad, bluefish, croaker, herring, striped bass, summer flounder, blue crab, spot and weakfish. Annual trawl surveys have documented 38 different fish species in the vicinity of Man-O-War Shoals. The loss of recreational angling opportunities was one of the most often cited sources of opposition to this permit in the Army Corps' public comment process. In total, 54 out of 57 public comments to the Army Corps opposed the permit to dredge MOW Shoals, including several County Oyster Committees and the Maryland Watermen's Association.

Fortunately, recent scientific studies have demonstrated that alternatives, including granite and crushed concrete, are a viable substitute for oyster shell, with stone and crushed concrete reefs supporting as many or more oysters as shell reefs with similar rates of survival. Additionally, pilot studies in Virginia have utilized gravel as substrate on harvest bars, which supported high levels of recruitment and were described by local watermen as a "viable option." DNR's 2019 Maryland Oyster Management Plan includes plans to

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The Chesapeake Bay Foundation (CBF) is a non-profit environmental education and advocacy organization dedicated to the restoration and protection of the Chesapeake Bay. With over 300,000 members and e-subscribers, including over 109,000 in Maryland alone, CBF works to educate the public and to protect the interest of the Chesapeake and its resources.

utilize these types of alternative materials on harvest bars in pilot programs in Maryland, which if successful, further reduces the need for shell.

Given the newly demonstrated efficacy of alternative substrates, the extremely short-term and limited benefit the shell from MOW Shoal could provide, and the negative impacts to fish habitat, CBF believes the dredging of the last remaining three-dimensional oyster reef in upper Chesapeake Bay is ill-advised.

CBF urges the Committee's FAVORABLE report on HB 500. Please contact Dr. Allison Colden, Maryland Senior Fisheries Scientist, at acolden@cbf.org or 443-482-2160 with any questions.

HB 500 MOW Shoal Dredging Prohibition COA SUP.pdf

Uploaded by: Chesapeake Oyster Alliance

Position: FAV



Chesapeake **OYSTER ALLIANCE** *10 Billion for the Bay*

ANNAPOLIS AQUACULTURE - BLUE OYSTER ENVIRONMENTAL - CHESAPEAKE BAY FOUNDATION - CHESAPEAKE BEACH OYSTER CULTIVATION SOCIETY - COASTAL CONSERVATION ASSOCIATION MARYLAND - FRIENDS OF ST. CLEMENTS BAY LIVING CLASSROOMS FOUNDATION - MARK STREET VENTURES LLC - THE NATIONAL AQUARIUM, BALTIMORE - PIRATES COVE OYSTER CO. - SHORERIVERS - TRUE CHESAPEAKE OYSTER CO LLC - OYSTER COMPANY OF VIRGINIA - REEFTEK, LLC

House Bill 500

Dredging on Man-O-War Shoals – Prohibition

DATE: February 16, 2022

POSITION: **SUPPORT**

The Chesapeake Oyster Alliance is a broad coalition of non-profits, community organizations, oyster growers, academic institutions, and business owners with the shared goal of adding 10 billion oysters in the Bay by the year 2025. With a focus on oyster restoration, science-based fishery management, and increased aquaculture, the Chesapeake Oyster Alliance aims to accelerate oyster recovery efforts and in so doing the recovery of the Chesapeake Bay.

The Chesapeake Oyster Alliance strongly supports House Bill 500 and recommends a favorable report from the House Environment and Transportation Committee.

Man-O-War Shoal is a popular fishing and boating location for many upper Bay residents, as well as an important area for commercial crabbing and the harvest of spat on shell oyster plantings. This bill would prohibit the dredging of Man-O-War Shoal and protect these existing uses.

From 1960 to 2006, nearly 200 million bushels of buried shell were removed from numerous relic oyster bars or buried shell deposits in the upper Bay and used to supplement the wild harvest oyster industry throughout various portions of the middle and lower Chesapeake. The program, frequently called the shell or repletion program, was halted when available shell deposits were exhausted, and when public opposition of the program increased. The areas previously dredged lost their three-dimensional relief and are now largely covered by silt and degraded in value to local Bay stakeholders.

In 2008, legislation directed the Department of Natural Resources (DNR) to pursue a permit to continue dredging for buried shell in the upper Bay but did not specifically designate Man-O-War as a target for such efforts.

Shell is a valuable resource for oyster restoration, wild harvest subsidies, and some aquaculture operations, but DNR's plan for the use of buried shell from Man-O-War includes regional ecological and economic impacts that far outweigh the overall benefit to the state.

Since 2008, major advancements have been made in the use of alternatives to buried shell. Fresh shell recycling programs continue to grow in the region, and alternatives like limestone, granite, and environmentally clean concrete have all been proven as viable substrates to replace the use of buried shell in restoration, aquaculture, and wild harvest.

Given the numerous alternatives to buried shell, the past impacts to the upper Bay, and irreversible changes proposed in DNR's plan, Man-O-War Shoal should be removed as an option for shell dredging activities. For

these reasons, the Chesapeake Oyster Alliance urges a **favorable** report on House Bill 500 from the Environment and Transportation Committee. Please contact David Sikorski (david@ccamd.org; (443) 621-9186) with any questions.

HB500.pdf

Uploaded by: David Sikorski

Position: FAV

February 16, 2022

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

Re: **House Bill 500** – Dredging on Man- O- War Shoals - Prohibition

CCA Maryland Position: SUPPORT

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.

From 1962 through 2006, the Department of Natural Resources contracted for a massive hydraulic dredge to strip mine three-dimensional structure in the upper Bay removing over **196 million bushels of buried shell**. This shell was barged to other areas of the Bay and used to supplement areas degraded by wild oyster harvest and disease.

This previous action came at a public cost of approximately **\$49 million dollars** and an unknown ecological impact through the removal of important habitat and economic cost by fishing areas for recreational anglers, charter business and local watermen.

The amount of habitat already removed from the upper Bay is comparable to the volume of:

- ~200 times the US Capitol Rotunda
- ~ 6 times Houston Astrodome
- ~ 100 times the Epcot Center Dome
- ~ 3 times the great pyramids of Giza

We strongly urge you to focus on more productive investments of public dollars in building habitat, and not returning to failed policies of the past which have no long lasting ecological or economic benefits.

Habitat should not be removed in one portion of the Bay to attempt to rebuild it elsewhere.

For these reasons, we respectfully request a FAVORABLE vote on HB 500 *For further discussion regarding this issue, please contact CCA Maryland Executive Director, David Sikorski – (443)621-9186 – david@ccamd.org*

*A video including information from multiple stakeholders can be found at: savemanowar.org

**Additional images regarding the equipment used for dredging, the three-dimensional topography/bathymetry and images of the actual bottom of Man O War Shoal are attached in the following pages.



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



HB500_2_CCA.pdf

Uploaded by: David Sikorski

Position: FAV

An aerial photograph of a forest floor. A prominent, bleached, and dead tree trunk lies diagonally across the center of the frame. The surrounding ground is covered in a dense layer of green moss or low-lying vegetation, with some patches of lighter-colored soil or leaf litter visible. The lighting is soft, creating a dappled effect on the forest floor.

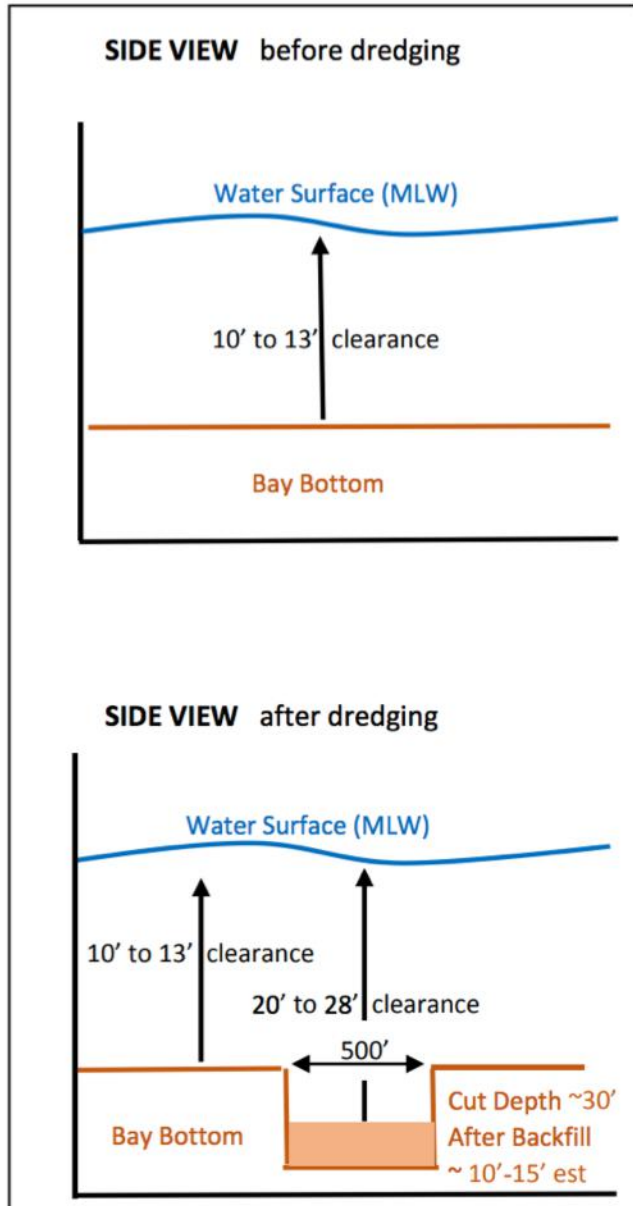
Baltimore



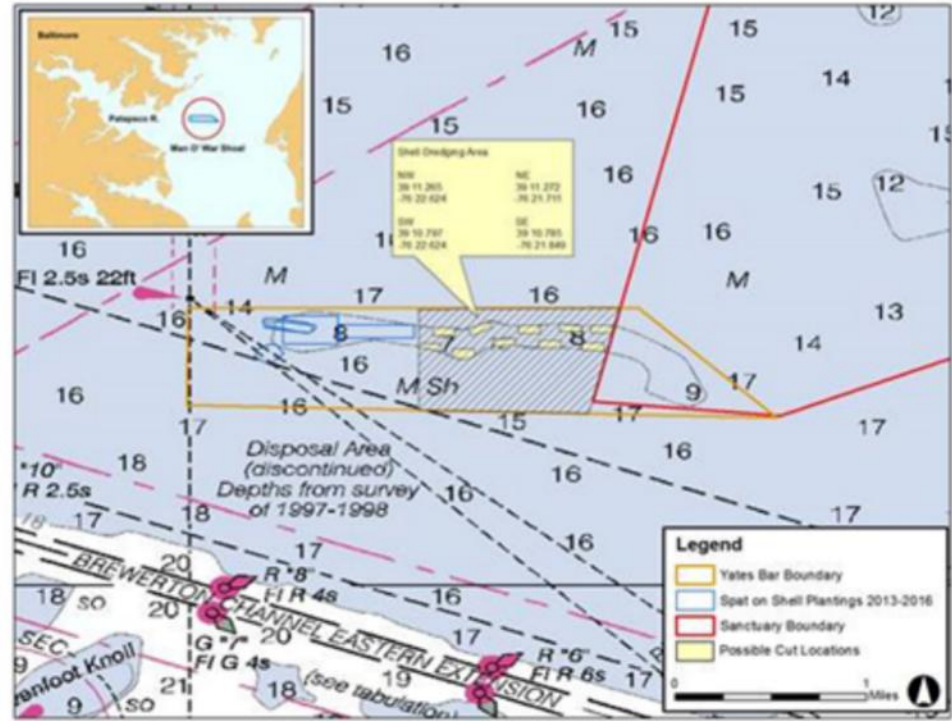
Man O War Shoal
December 2018

Screen shot from CCA Maryland
Video capture at proposed dredging area

SIDE VIEW of Dredge Cut

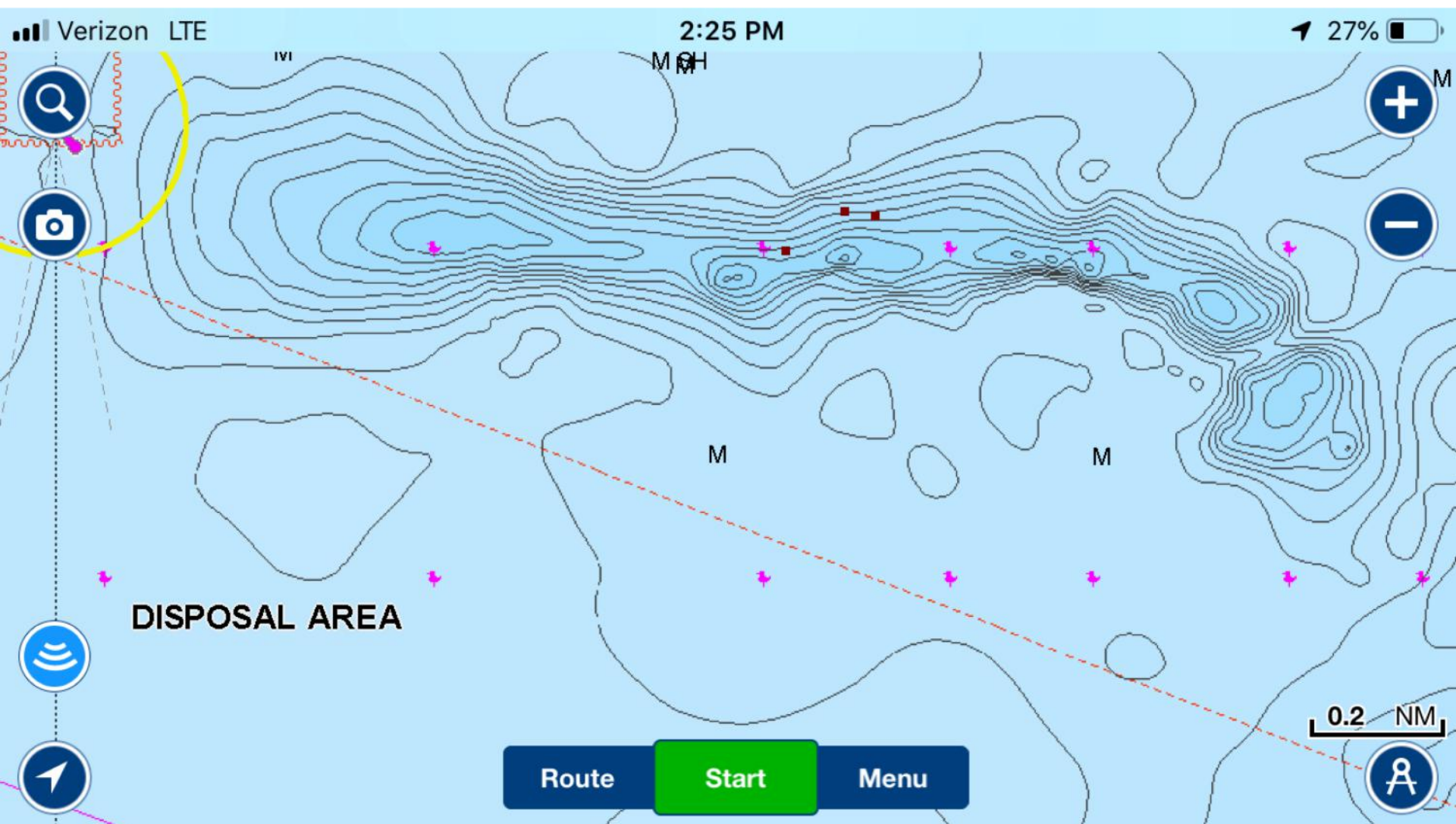


TOP VIEW of Dredge Cuts



- The proposed shell dredging area is the crosshatched area.
- Locations of dredge cuts are conceptual, for illustration purposes.
- Actual locations determined before dredging and according to the permit.
- Cut dimensions will be 500' maximum width and a length no greater than 1/3 of the way into the charted edge of the shoal (average of 275' long).
- Undredged bottom will be left between cuts.
- No greater than 10 cuts will be made to remove the proposed 5 million bushels of shell.

MD DNR Permit Application Proposed Plan
Map & Dredge Cut Diagram 2/2017



Current bathymetric (under water topography) chart of Man O War Shoal

Source: Navionics Application



Dredge in operation removing buried shell
Source: Virginia Marine Resources Commission

BaltimoreCounty_FAV_HB0500.pdf

Uploaded by: Joel Beller

Position: FAV



JOHN A. OLSZEWSKI, JR.
County Executive

JOEL N. BELLER
Acting Director of Government Affairs

JOSHUA M. GREENBERG
Associate Director of Government Affairs

MIA R. GOGEL
Associate Director of Government Affairs

BILL NO.: **House Bill 500**

TITLE: Dredging on Man-O-War Shoals - Prohibition

SPONSOR: Delegate Grammer

COMMITTEE: Environment and Transportation

POSITION: **SUPPORT**

DATE: February 16, 2022

Baltimore County **SUPPORTS** House Bill 500 – Dredging on Man-O-War Shoals - Prohibition. This legislation would prohibit the Department of Natural Resources from dredging buried oyster shells in Man-O-War Shoals.

The protection of Man-O-War Shoals is essential to the Chesapeake Bay ecosystem and dredging this area may have unintended consequences on the remainder of the ecosystem. Dredging can negatively impact other fish in the area, many of which are vital for recreational and commercial fishing. Baltimore County Watermen's Association has also noted that dredging may have significant negative impacts on crab populations which are vital to Maryland's economy. Man-O-War Shoals is a vital economic and recreational resource to the residents of Baltimore County, and it is critical that the State partner with the County in ensuring its continued ecological health.

House Bill 500 prevents the dredging of oyster shells on Man-O-War Shoals. This bill protects the ecosystem of Man-O-War Shoals, as well as the economy that its fisheries provide. Without this legislation, Maryland could lose a source of revenue and treasured natural resource. This effort is jointly supported by the County Executive and the Baltimore County Council.

Accordingly, Baltimore County requests a **FAVORABLE** report on House Bill 500. For more information, please contact Joel Beller, Acting Director of Government Affairs at jbeller@baltimorecountymd.gov.

HB500_MDSierraClub_fav 16Feb2022.pdf

Uploaded by: Josh Tulkin

Position: FAV



P.O. Box 278
Riverdale, MD 20738

Committee: Environment and Transportation

Testimony on: HB500 “Dredging on Man-O-War Shoals - Prohibition”

Position: Support

Hearing Date: February 16, 2022

The Maryland Chapter of the Sierra Club strongly supports passing this bill, which would prohibit dredging buried oyster shells from the Man-O-War Shoals, located off the southeast shore of Baltimore County.

Man-O-War Shoals is a prized fishing location for generations of local fishermen as well as commercial fishing and crabbing businesses. Local restaurants rely on this supply of local seafood that comes from the last remaining three dimensional oyster reef in the Chesapeake Bay. Dredging the buried shell would cause substantial damage to this relic reef and its thriving ecosystem and additionally cause harm to the people who rely on the supply of fresh fish and crabs caught at this location.

Dredging and using this buried shell for substrate to start new oyster beds is only a temporary solution to the problem of getting enough substrate in the bay for oysters to grow on. According to the Chesapeake Bay Foundation, dredged shell has a half-life of 3-6 years. Considering that oysters are harvested after three years of growth, this means that the dredged shell might only support another two harvests before it degrades. Thus, the utility of the shell that would be removed from this location is not worth either the habitat destruction or the monetary cost of retrieval. The Man-O-War Shoals took over 1,000 years to form. If this is depleted and used, we still need another way to grow oysters in the bay very soon thereafter. It would be best to explore those options now and keep the Man-O-War Shoals intact.

There are alternatives to using dredged oyster shell that should be explored. It has been proven that stone can be used as a substrate for the oyster spat to attach and grow upon. Alternate substrates such as porcelain, concrete, limestone, non-calcium stone, and non-oyster shells have been studied and tested for biological, structural, chemical, and economic parameters. Many have found to be viable alternatives to dredged shell, and the choice to use any one of them is site dependent. A 2020 review article notes that the finite nature of dredged shell will limit its use and reports of dredged shell being a good economic choice are outdated.¹ According to the Chesapeake Bay Foundation, the cost of using gravel in Harris Creek was estimated to be about half of the projected cost of dredging oyster shell at Man-O-War Shoals.

¹ <https://bioone.org/journals/journal-of-shellfish-research/volume-39/issue-1/035.039.0101/Alternative-Substrates-Used-for-Oyster-Reef-Restoration-A-Review/10.2983/035.039.0101.full>

Another alternative is to increase the oyster shell recycling programs. The Chesapeake Bay Foundation has a recycling program in place to accept shells at drop off locations. Restaurants can participate in this program, as well as individuals.² Programs such as this one could be expanded, and more restaurants encouraged to participate. As oyster shells are valuable, we should be recovering and recycling them. Potentially this program could be expanded to include non-oyster shells as well, thus increasing the volume of shells collected. Recycling shells benefits the environment and contributes to Maryland's landfill diversion goals.

Another process to examine is to increase recovery of shells from shucking houses. When oysters are harvested, they are generally sent to Virginia for processing. Virginia reclaims and uses the shell. Options and incentives could be put in place that might either return some of the shells to Maryland or process the oysters in state and then keep and use the shells in Maryland.

Solutions to this issue are needed for the health of the bay and the oyster industry. Dredging Man-O-War Shoals is not the answer. We ask for a favorable report.

Lily Fountain
Natural Places Committee Chair
Lily.Fountain@MDSierra.org

Josh Tulkin
Chapter Director
Josh.Tulkin@MDSierra.org

² <https://www.cbf.org/how-we-save-the-bay/programs-initiatives/maryland/oyster-restoration/save-oyster-shells.html>

Testimony H.B. 500 Document (9)_pdf.pdf

Uploaded by: Lani Hummel

Position: FAV

Date: February 14, 2022 Position: SUPPORT To: House Environment and Transportation Committee From: Lani Hummel, lanihummel@aol.com, Annapolis Roads

Man O War Shoal is an important fishing and crabbing locatiin that supports the local ecology and economy. The proposed shell dredging will cut large holes on either side of the shoal, forever impacting its stability and value as habitat and structure. Oyster shell degrades over time so there are no long lasting public benefits in using buried shell to enhance habitat elsewhere. Maryland leaders should focus on other actions that can be made to improve oyster habitat, and not destroy existing habitat to attempt to supplement the wild oyster fishery and habitat enhancement in other portions of the Bay. Finally, efforts should be undertaken to encourage the growth of the aquaculture fishery as a more permanent solution to the harvest pressure on the wild oyster fishery.

Lani Hummel

HB 500 - CCC Testimony - Unfavorable (2-16-22) w E

Uploaded by: Chip MacLeod

Position: UNF



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House Environment and Transportation Committee

Testimony in OPPOSITION of House Bill 500

Dredging on Man-O-War Shoals - Prohibition

February 16, 2022

The Clean Chesapeake Coalition (CCC) urges an unfavorable report on House Bill 500, as such an enactment would indefinitely prohibit the dredging of much-needed natural oyster shell from an area in the upper Chesapeake Bay known as Man O'War Shoals. The Department of Natural Resources, after nearly a decade of study and analysis along with MDE and U.S. Army Corps of Engineers, has applied for the final permit (from the Board of Public Works) to harvest shell to increase the oyster population. HB 500 ignores agency reviews and science, and thwarts the regulatory process for approving such activity.

For all aspects of oyster restoration - aquaculture, sanctuaries, hatcheries and the commercial fishery - natural oyster shell is needed. There is no dispute that natural shell is the absolute best for oyster propagation and growth; and there is an enormous supply of natural shell at Man O'War Shoals and elsewhere in the upper Bay, buried under sediment. Coalition counties have consistently opposed the importation and dumping of rubble waste and other non-indigenous "alternative" materials in the Bay to create hard bottom in the name of growing the oyster population. **Artificial substrate is not the best way forward to bring back the Bay's iconic bivalve in a meaningful way.** Arbitrarily declaring known deposits of natural oyster shells off limits adds costs to restoration efforts and fuels contentions among constituencies in need of shell.

Man O'War Shoals is a relatively isolated natural oyster bar located just to the north of the navigable channel in the Patapsco River in which ships travel to the Ports of Baltimore. The shoal comprises roughly 400 acres and the area to be impacted for the harvesting of shells is approximately 32 acres (around 8%). The vast majority of sediments dislodged during the shell harvesting process will settle out in the navigable channel and be dredged by USACE and the Maryland Port Administration in the course of their channel maintenance program. Man O'War Shoals' isolated and unique location adjacent to the navigable channel make it one of the most ideal natural oyster bars in the Bay from which to harvest natural indigenous oyster shell.

We are on record in support of dredging natural oyster shell from Man O'War Shoals with the understanding that no dredging will occur in the vicinity of the portion of this natural oyster bar where the Baltimore County Watermen's Association has been engaged in restoration efforts. The shoal is large enough to support the efforts of local oystermen in seed planting and cultivation while permitting the harvesting of natural shell for use throughout the Bay.

To a person knowledgeable about the Chesapeake Bay – its history, ecology and seafood industry - there are certain proofs that we should not allow to be clouded or twisted by politics, pseudoscience or agendas premised on the theory that the commercial fishery is to blame for the decline in the oyster population. Among those certainties: (1) oysters in mass quantity are the most cost-effective way to improve Bay water quality; (2) natural indigenous oyster shell is the best substrate to propagate and grow oysters; and (3) given all the modern-day stressors on the Bay, unmanaged oyster bars will become graveyards for the iconic bivalve. The critical issue now is the limited availability of natural indigenous shell in Maryland, which is a self-imposed shortage at the behest of “stakeholders” in 2006 for spurious reasons that today should be questioned.

The final approval for the harvesting of shell from Man O’War Shoals has been pending for longer than can reasonably be justified. Because the lack of shell breeds fierce competition among stakeholders in the oyster fishery, and impedes efforts to maximize the ecological benefits, and inflates the costs due to limited supply, the process to gain access to a proven source of natural shell should be a unifying undertaking – and a priority. HB 500 does just the opposite; and would render useless all the review and analysis of various federal (USACE, NOAA, USFW) and State agencies (DNR and MDE) in recommending such activity in an environmentally sensitive manner to the Board of Public Works.

The mud that will be stirred up during the dredging for shell will be a temporary condition and minor compared to other dredging activities by the USACE in the Upper Bay and the enormous amounts of sediment discharged from above Conowingo Dam during storms. The long-term benefits to the natural environment and overall Bay water quality from well-placed indigenous shell obtained from Man O’War Shoals will eclipse any temporary unsettling of the natural environment caused by the shell dredging process. The resulting increase of oysters in the Bay will have a positive economic impact in local jurisdictions and fishing communities – while a natural oyster bar left alone in the upper Bay will eventually be, if it hasn’t already been, smothered by sedimentation and provide little ecological or economic value.

Oysters are beneficial natural filters of the Bay. Increasing the oyster population throughout the Bay and tributaries will better enable Maryland to meet and exceed its TMDL water quality improvement goals in the most cost-effective way. For their undisputed ecological value and for the positive economic impacts of a prudently managed oyster fishery, we need the General Assembly’s support in expediting Maryland’s access to natural shell – not another obstacle.

For these reasons, the Coalition urges an UNFAVORABLE report on HB 500.

Exhibit: Letter to Board of Public Works (2019) with Maryland Rural Counties Coalition support for dredging Man O’War Shoals.

CONTACT: Chip MacLeod at 410-810-1381 or cmacleod@mlg-lawyers.com





December 6, 2019

Honorable Lawrence J. Hogan, Jr., Governor
Honorable Peter V.R. Franchot, Comptroller
Honorable Nancy K. Kopp, Treasurer
Maryland Board of Public Works
State House
100 State Circle
Annapolis, Maryland 21401-1925

Re: Industry Resolution Requesting Action on DNR Permit Application for Man
O'War Shoal Oyster Shell Dredging (Tidal Wetlands Case No. 15-WL-0757)

Dear Governor Hogan, Comptroller Franchot and Treasurer Kopp:

Enclosed please find a milestone Resolution signed by Maryland seafood industry leaders, participants and allied businesses urging the Board of Public Works to take affirmative action on the pending DNR permit application to dredge buried oyster shell at Man O'War Shoal in northern Chesapeake Bay. The Resolution we hope speaks for itself and reflects solidarity in the commercial seafood industry as evidenced by the unified support of Delmarva Fisheries Association, Maryland Watermen's Association, Maryland Oystermen Association and County Oyster Committee and County Watermen Association leaders.

Moreover, this Resolution supplements the previous letters of support from the Maryland Rural Counties Coalition and the Eastern Shore Delegation of the General Assembly for moving forward with oyster shell dredging at Man O'War Shoal, as well as the prior testimony and written comments provided by our organizations and members in full support of this call for action.

A final decision in this regard is long overdue and critical to the work of so many. Natural oyster shell is desperately needed for all aspects of oyster restoration in Maryland – aquaculture, sanctuaries, hatcheries and the commercial/public fishery. There is no dispute among all stakeholders that natural indigenous shell is the absolute best for oyster propagation and growth; and there is an enormous supply in the upper Bay, buried under sediment – where it does no good. Given all the modern-day stressors on the Bay, unmanaged oyster bars become graveyards for the iconic bivalve. The self-imposed shortage of shell is a significant obstacle to getting more oysters in the Bay – a goal we all embrace.

Knowing that Man O'War Shoal is the largest deposit of oyster shell in the State and well-aware of Maryland's successful shell replenishment program that DNR sponsored in cooperation with the commercial seafood industry for more than four decades (a program now

www.DelmarvaFisheries.org | www.CleanChesapeakeCoalition.org

120 SPEER ROAD, SUITE 1, CHESTERTOWN, MARYLAND 21620

December 6, 2019

Page 2

being copied by the Commonwealth of Virginia with much success – and to Maryland’s economic detriment), the reasons we hear from the opposition who would rather declare Man O’War Shoal off limits as a source of natural oyster shell are spurious at best.

We respectfully request that DNR’s pending application be prioritized as an agenda item for action by the Board of Public Works as soon as possible, and with that an opportunity to be heard. Please act now and give our collective efforts for more oysters in the water the key ingredient – shell.

Very Truly Yours,



Ronald H. Fithian
Chairman, CCC
Kent County Commissioner



Capt. Robert Newberry
Chairman, DFA

Enclosures: Seafood Industry Resolution
Eastern Shore Delegation Letter (8/21/19)
MD Rural Counties Coalition Letter (8/26/19)

cc: Jeannie Haddaway-Riccio, Secretary, DNR
Eastern Shore Delegation
Maryland Rural Counties Coalition
Maryland Watermen’s Association
Maryland Oystermen Association
Oyster Advisory Commission

We, the Undersigned, do Hereby Support the Following

RESOLUTION

A Resolution by Members, Allied Businesses and Supporters of the Maryland Seafood Industry urging the Board of Public Works (BPW) to take affirmative action regarding the DNR permit application to dredge buried oyster shell at Man O'War Shoals.

RECITALS

WHEREAS, in 2009 at the request of the Oyster Advisory Commission (OAC), the General Assembly passed HB103 directing DNR to apply for a new shell dredging permit which they did on July 1, 2009 (over a decade ago). From DNR website:

This site was selected because it has the most significant deposit of buried shell (86 to 103 million bushels, Maryland Geological Survey, personal communications) among the other sites considered and does not occur within a striped bass spawning reach as do other shell deposits...In response to stakeholders' concerns about the potential ecological effects of a shell dredging project of this magnitude, the department requested an initial 5-year permit to dredge about 5 million bushels of shell as part of a **comprehensive monitoring project to assess the ecological consequences of removing shell from the shoal** (emphasis added).

WHEREAS, the following agencies, United States Army Corps of Engineers (USACE), National Oceanic & Atmospheric Administration (NOAA), National Marine Fisheries Service (NMFS), the United States Environmental Protection Agency (EPA), United States Coast Guard (USCG), and Maryland Department of the Environment (MDE), have reviewed, commented and signed off on the current version of the pending permit.

WHEREAS, a cornerstone of DNR's recently adopted Fishery Management Plan for Oysters is the availability of natural shell. This shell is required for sanctuaries, aquaculture and the public fishery. Shell from Man O'War will benefit all three. Had the permit been issued last year following the issuance of the provisional permit by USACE, the recent robust natural spatset witnessed in the lower Bay might not have been lost; both recent surveys and watermen's intimate knowledge of Bay waters reveal areas where natural spatset occurs.

WHEREAS, to address environmental concerns, the permit is limited in scope. Year 1 will be devoted to the seasonal collection of baseline environmental data on water quality, oyster populations, and fish and benthic communities. Year 2 will see the removal of approximately 2 million bushels of shell, making four cuts. Years 2 & 3 will include the collection of further seasonal monitoring data on the metrics described above. By the end of Year 4, data will be analyzed and disseminated. **In the event that no significant adverse effects are detected, in Year 5 the remaining 3 million bushels will be dredged. Any further dredging would require a new permit.** The permit allows for the dredging of up to 5 million bushels (of an estimated 86-103 million) over the course of 5 years and includes multiple levels of environmental monitoring. A decade-long delay implanting a proven strategy has had severe adverse impacts on Bay water quality, restoration efforts and the commercial fishery.

OVER →

WHEREAS, both the Eastern Shore Delegation of the Maryland General Assembly and the Maryland Rural Counties Coalition, by way of letters to Comptroller Franchot, do also support the proposed Man O'War Shoals dredging project.

WHEREAS, the timeline for this project has been drawn out to an exceptional degree and allowed for multiple agencies, organizations and individuals to provide input, plans to be revised and environmental concerns addressed. An abridged timeline follows:

2009 General Assembly of Maryland (GAM) Requests DNR Apply for Permit to Dredge Natural Shell

July 1, 2009 DNR Submits Dredging Application

Interim: Per Request from USACE, DNR Explores Alternative Shell and Non-Shell Substrate Alternatives

July 17, 2015 DNR Re-Submits Dredging Application

September 9, 2015 DNR Applies for Tidal Wetlands License

February 18, 2016 Public Comment on Tidal Wetlands License Closes

February 2017 DNR Re-Submits Dredging Application

October 2017 MDE Releases Wetland Report & Recommendation to BPW Recommending Approval of Tidal Wetlands License

November 1-21, 2017 Additional Public Notice re: Tidal Wetlands License

May 17, 2018 USACE Issues Provisional Permit to DNR for Dredging MOW Shoals

2019 Emergency Bills to Prohibit Dredging at MOW Shoals introduced during GAM Session. Did not make it out of committee.

NOW THEREFORE, BE IT RESOLVED BY THE FOLLOWING MEMBERS, ALLIED BUSINESSES AND SUPPORTERS OF THE MARYLAND SEAFOOD INDUSTRY, that that the Signatories do hereby request that the Board of Public Works takes affirmative action regarding the DNR permit application to dredge buried oyster shell at Man O'War Shoals. It is past time that a decade-old mandate by the General Assembly of Maryland, and the subsequent recommendation of the Maryland Department of Natural Resources, be realized and we finally have a definitive answer on the environmental impact of dredging buried shell, as well as a supply of the preferred substrate (i.e. clean, natural shell) to supplement restoration efforts in sanctuaries, on aquaculture bottom leases and in cages, in hatcheries, and in areas of the public fishery with historically robust natural spatset that currently lack clean, adequate, hard bottom.

ADOPTED and effective by those signatories below in September, October and November 2019.

Signatories Appended Below

BE IT RESOLVED BY THE FOLLOWING MEMBERS, ALLIED BUSINESSES AND SUPPORTERS OF THE MARYLAND SEAFOOD INDUSTRY, that that the Signatories do hereby request that the Board of Public Works takes affirmative action regarding the DNR permit application to dredge buried oyster shell at Man O'War Shoals. It is past time that a decade-old mandate by the General Assembly of Maryland, and the subsequent recommendation of the Maryland Department of Natural Resources, be realized and we finally have a definitive answer on the environmental impact of dredging buried shell, as well as a supply of the preferred substrate (i.e. clean, natural shell) to supplement restoration efforts in sanctuaries, on aquaculture bottom leases and in cages, in hatcheries, and in areas of the public fishery with historically robust natural spatset that currently lack clean, adequate, hard bottom.


Chairman, Delmarva Fisheries Association

NEXT PAGE
President, Maryland Watermen's Association


Chairman, Calvert Oyster Committee



Chairman, Dorchester Oyster Committee



Chairman, Kent Oyster Committee


Chairman, Queen Anne's Oyster Committee
& Oyster Advisory Commissioner


Chairman, Somerset Oyster Committee


Chairman, St. Mary's Oyster Committee


Chairman, Talbot Oyster Committee
& Oyster Advisory Commissioner


Chairman, Wicomico Oyster Committee


Ron Fithian, Oyster Advisory Commissioner



Tom Bradshaw, Oyster Advisory Commissioner


Greg Kemp, Talbot Seafood Heritage Assoc.
& Oyster Advisory Commissioner

SUBSEQUENT PAGE
Jim Mullin, Maryland Oystermen Association
& Oyster Advisory Commissioner


Bobby Whaples, Dorchester Seafood Heritage
Association

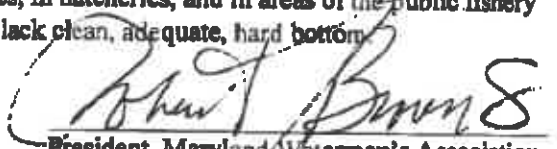
Jack Brooks, Chesapeake Bay Seafood
Industries Association


Chair Anne Arundel Co
Oyster Committee


Charles Conely Oyster Committee

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President, Maryland Watermen's Association
& Oyster Advisory Commissioner*

Chairman, Calvert Oyster Committee

Chairman, Dorchester Oyster Committee

Chairman, Kent Oyster Committee

Chairman, Queen Anne's Oyster Committee
& Oyster Advisory Commissioner

Chairman, Somerset Oyster Committee

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*Oyster Advisory Commissioner = a member of DNR's Oyster Advisory Commission.

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& Oyster Advisory Commissioner

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& Oyster Advisory Commissioner

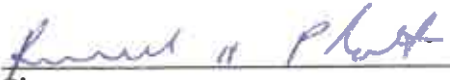
Bobby Whaples, Dorchester Seafood Heritage
Association

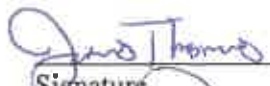
Jack Brooks, Chesapeake Bay Seafood
Industries Association



KENT COUNTY WATERMAN


BE IT RESOLVED BY THE FOLLOWING MEMBERS, ALLIED BUSINESSES AND SUPPORTERS OF THE MARYLAND SEAFOOD INDUSTRY, that that the Signatories do hereby request that the Board of Public Works takes affirmative action regarding the DNR permit application to dredge buried oyster shell at Man O'War Shoals. It is past time that a decade-old mandate by the General Assembly of Maryland, and the subsequent recommendation of the Maryland Department of Natural Resources, be realized and we finally have a definitive answer on the environmental impact of dredging buried shell, as well as a supply of the preferred substrate (i.e. clean, natural shell) to supplement restoration efforts in sanctuaries, on aquaculture bottom leases and in cages, in hatcheries, and in areas of the public fishery with historically robust natural spatset that currently lack clean, adequate, hard bottom.


Signature
Print Name: Christopher M. Kayhoe



Signature
Print Name: KENNETH H. PLATT



Signature
Print Name: James Thomas



Signature
Print Name: GEORGE E. LUONGO



Signature
Print Name: George Thomas


Signature
Print Name: Lenell Jones



Signature
Print Name: ALBERT S. HAMPTON



Signature
Print Name: LEON WASHINGTON


Signature
Print Name: Phil Jewell


Signature
Print Name: W. RONALD SMITH


Signature
Print Name: Michael Rutli


Signature
Print Name: Edward G. Gionas

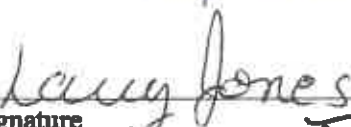

Signature
Print Name: John W. Kettering



Signature
Print Name: Ian Horney

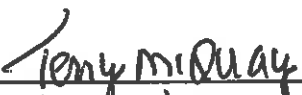
Please return to Delmarva Fisheries Association, 120 Speer Road, Suite 1, Chestertown, MD 21620 by October 4, 2019 so that we may forward in bulk to the Board of Public Works.


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Signature
Print Name: Troy Lee

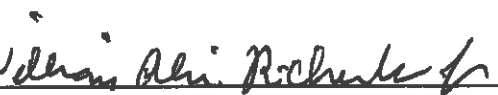

Signature
Print Name: Larry Jones

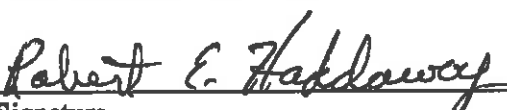

Signature
Print Name: Rodger McQuay



Signature
Print Name: Terry McQuay

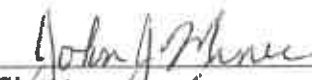

Signature
Print Name: CRAIG BARNHART


Signature
Print Name: Alvin Richardson



Signature
Print Name: William Alvin Richardson

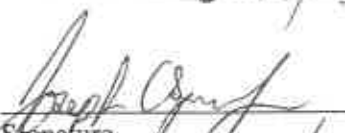

Signature
Print Name: ROBERT E. HADDAWAY


Signature
Print Name: John J. Dodge


Signature
Print Name: JOHN J MINER


Signature
Print Name: Russ Dwyer



Signature
Print Name: Guy Sperry


Signature
Print Name: Joseph C. Sherry Jr.



Signature
Print Name: Ed Crouch


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Signature
Print Name: Brian C. Williams



Signature
Print Name: Peter W. Lubin



Signature
Print Name: Ronald Swartz


Signature
Print Name: MARC VAN PELT


Signature
Print Name: Bruce Lowery


Signature
Print Name: David R. Miller


Signature
Print Name: WILLIAM SKIPPES


Signature
Print Name: Robin G. Harrison


Signature
Print Name: W. Shamus Pickens

Signature
Print Name: _____

Signature
Print Name: _____

Signature
Print Name: _____

Signature
Print Name: _____

Signature
Print Name: _____

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SENATORS

MARY BETH CAROZZA
ADDIE C. ECKARDT
JASON C. GALLION
STEPHEN S. HERSHEY, JR.



DELEGATES

STEVEN J. ARENTZ
CHAIR

JOHNNY MAUTZ
VICE CHAIR

CHRISTOPHER T. ADAMS
TREASURER

CARL ANDERTON, JR.
ANDREW CASSILLY
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KEVIN BAILEY HORNBERGER
JAY A. JACOBS
CHARLES OTTO
TERESA REILLY
SHEREE SAMPLE-HUGHES

THE MARYLAND GENERAL ASSEMBLY
ANNAPOLIS, MARYLAND 21401
EASTERN SHORE DELEGATION

August 21, 2019

Honorable Peter V.R. Franchot
Comptroller of Maryland
80 Calvert Street
P.O. Box 466
Annapolis, Maryland 21401-0466

Re: Man O'War Shoals Shell Dredging Permit

Dear Comptroller Franchot:

It has come to our attention that the Board of Public Works is revisiting the plan to utilize buried oyster from Man O'War Shoals in various oyster-related efforts in the Chesapeake Bay after the General Assembly failed to move forward with the prohibition despite vigorous efforts on the part of certain special interest groups during the 2019 session. As members of the Eastern Shore Delegation, we are pleased that spurious talking points that ignore recommendations from career scientists at the Maryland Departments of Natural Resources and the Environment, as well as the U.S. Army Corps of Engineers, developed over nearly a decade of study and analysis, failed to exacerbate the self-imposed shell shortage that has affected restoration efforts for many years.

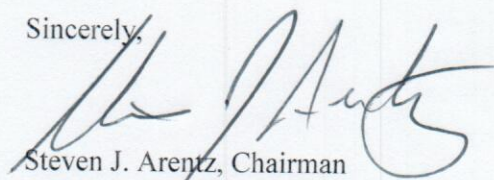
For the following reasons, the Eastern Shore Delegation supports moving forward with dredging at Man O'War Shoals:

1. Horn Point Hatchery suffered a catastrophic failure in generating spatset this year, **producing 200 times less than last year, and 300 times less than the year before**. At the same time, areas in the lower Bay are producing a bumper crop. Had DNR been able to place shell these places with strong recruitment, they could now be moving them around the Bay to suitable bottom both in and out of the sanctuaries.
2. Man O'War Shoals is a relatively isolated natural oyster bar located just to the north of the navigable channel in the Patapsco River in which ships travel to the Port of Baltimore. The shoal comprises more than 400 acres and the area designated for the harvesting of shells is approximately 30 acres (~7%) over the course of several years and incorporates extensive monitoring components.

3. The vast majority of sediments dislodged during the shell harvesting process will settle out in the navigable channel and be dredged by U.S. Army Corps of Engineers (USACE) and the Maryland Port Administration in the course of their shipping channel maintenance program. The proposed dredge site is not close to the site where Baltimore County watermen have planted oysters and the dredging activity will not have a negative impact on these efforts.
4. According to surveys conducted by MDNR over the preceding eight years, the majority of this bar has no live oysters. Additionally, the volume of fresh water that has entered the Bay from the Susquehanna during the record rainfall in 2018 and 2019 has resulted in high oyster mortality. They are not proposing to dredge in a place that would interfere with active, successful oyster growth.
5. The Eastern Shore Delegation represents constituents who rely on the bounty of the Bay and, in many cases, have done so for generations. In addition to those that work in the seafood and related industries, thousands of tourists flock to our districts each year to enjoy our waterways and activities that have their roots in watermen's culture. We support efforts that support the socio-economic success of our residents and honor the rich history that abounds here.
6. Various environmental organizations have repeatedly suggested that construction rubble would serve as a preferable substrate on which baby oysters can grow. Scientific research indicated that Mother Nature's substrate (indigenous shell) is the best for spat and it seems absurd to dump filthy **rubble** into the waters of the Chesapeake Bay in an effort to clean it up when there exists hundreds of millions of buried shell to complete the task at hand.
7. For more than 40 years, the State dredged shell from the upper reaches of the Bay for the oyster replenishment program. This program was terminated in 2006 despite very successful results with oyster reproduction, market production of oysters, and 60 million+ in revenue generated for the State. Since 2006, oysters in the upper reaches of the Bay have almost ceased to exist, other than select areas being planted by watermen's groups. Again, recent oyster surveys corroborate this information. In 2009, the General Assembly passed an emergency bill (HB 103) directing the Maryland Department of Natural Resources (DNR) to apply for the permits to dredge buried shells. It's now 2019 and past time for action.

In closing, we urge you to allow this process to finally move forward so we can get to the important work of increasing the iconic oyster in our waters. The delay threatens residents all over the Bay watershed, not just those on the Eastern Shore.

Sincerely,



Steven J. Arentz, Chairman
Eastern Shore Delegation



August 26, 2019

Honorable Peter V.R. Franchot
Comptroller of Maryland
80 Calvert Street
P.O. Box 466
Annapolis, Maryland 21401-0466

Re: Man O'War Shoals Shell Dredging Permit

Dear Comptroller Franchot:

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For the following reasons, the Maryland Rural County Coalition supports moving forward with shell dredging at Man O'War Shoals:

1. Horn Point Hatchery suffered a catastrophic failure in generating spatset this year, **producing 200 times less than last year, and 300 times less than the year before.** At the same time, areas in the lower Bay are producing a bumper crop. Had DNR been able to place shell these places with strong recruitment, they could now be moving them around the Bay to suitable bottom both in and out of the sanctuaries.
2. Man O'War Shoals is a relatively isolated natural oyster bar located just to the north of the navigable channel in the Patapsco River in which ships travel to the Port of Baltimore. The shoal comprises more than 400 acres and the area designated for the harvesting of shells is approximately 30 acres (~7%) over the course of several years and incorporates extensive monitoring components.
3. The vast majority of sediments dislodged during the shell harvesting process will settle out in the navigable channel and be dredged by U.S. Army Corps of Engineers (USACE) and the Maryland Port Administration in the course of their shipping channel maintenance program. The proposed dredge site is not close to the site where Baltimore County watermen have planted oysters and the dredging activity will not have a negative impact on these efforts.

MARYLAND RURAL COUNTIES COALITION

ALLEGANY | CALVERT | CAROLINE | CARROLL | CECIL | DORCHESTER | FREDERICK | GARRETT | KENT
QUEEN ANNE'S | SOMERSET | ST. MARY'S | TALBOT | WASHINGTON | WICOMICO | WORCESTER

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7. For more than 40 years, the State dredged shell from the upper reaches of the Bay for the oyster replenishment program. This program was terminated in 2006 despite very successful results with oyster reproduction, market production of oysters, and \$60 million+ in revenue generated for the State. Since 2006, oysters in the upper reaches of the Bay have almost ceased to exist, other than select areas being planted by watermen's groups. Again, recent oyster surveys corroborate this information. In 2009, the General Assembly passed an emergency bill (HB 103) directing the Maryland Department of Natural Resources (DNR) to apply for the permits to dredge buried shells. It's now 2019 and past time for action.

In closing, we urge you to allow this process to finally move forward so we can get to the important work of increasing the iconic oyster in our waters. The delay threatens residents and businesses all over the Bay watershed, not just those in rural counties.

Sincerely,



Jack Wilson, RCC Chairman
Queen Anne's County

MARYLAND RURAL COUNTIES COALITION

ALLEGANY | CALVERT | CAROLINE | CARROLL | CECIL | DORCHESTER | FREDERICK | GARRETT | KENT
QUEEN ANNE'S | SOMERSET | ST. MARY'S | TALBOT | WASHINGTON | WICOMICO | WORCESTER

HB500_FAV_Delmarva_MacLeod

Uploaded by: Chip MacLeod

Position: UNF



110 N. CROSS STREET
CHESTERTOWN, MARYLAND 21620
PHONE: 410-810-1381
FAX: 410-810-1383
www.delmarvafisheries.org

House Environment and Transportation Committee

Testimony in **OPPOSITION** to **House Bill 500**

Dredging on Man O'War Shoals - Prohibition

February 16, 2022

The Delmarva Fisheries Association (DFA) urges an **unfavorable** report on House Bill 500, as such legislation would indefinitely and arbitrarily prohibit the dredging of much-needed natural oyster shell from an area in the upper Chesapeake Bay know as Man O'War Shoals and contradicts the extensive review and analysis of various State and federal agencies (DNR, MDE, USACE, NOAA, NMFS) over many years in recommending such critical activity in an environmentally sensitive manner to the Board of Public Works. For the General Assembly to declare known deposits of natural oyster shells buried under sedimentation off limits will only add costs and risks to restoration efforts, hurts seafood businesses, fuel contentions among stakeholders in need of shell and, all things considered, makes no sense for the good of the Bay.

Shell matters. (see attachment) Oyster spat need a clean hard surface on which to strike after spawning in order to grow. Chesapeake Bay oyster **shell is the absolute best** surface and material for oyster propagation and growth; and there is an enormous supply of natural shell at Man O'War Shoals. This bill declares a critical natural resource off-limits, buried under Susquehanna River sediments (exacerbated by the [Conowingo Factor](#)), where it does no good.

In December 2019, a milestone Resolution signed by Maryland seafood industry leaders, participants and allied businesses was submitted to the Board of Public Works urging affirmative action on the pending DNR application. A copy of the Industry Resolution is attached, showing broad support for oyster shell dredging at Man O'War Shoals, and a history of delay.

DFA is on record in support of dredging natural oyster shell from Man O'War Shoals with the understanding that no dredging will occur in the vicinity of the portion of this natural oyster bar where the Baltimore County Watermen's Association has been engaged in restoration efforts, if any. The shoal is large enough to support the efforts of local oystermen in seed planting and cultivation while permitting the harvesting of natural shell for use throughout the Bay in the commercial fishery and in aquaculture, sanctuaries and hatcheries.

Man O'War Shoals is a relatively isolated natural oyster bar located just to the north of the navigable channel in the Patapsco River in which ships travel to the Ports of Baltimore. The shoal comprises roughly 400 acres and the area designated for the harvesting of shells is approximately 30 acres (~8%). The vast majority of sediments dislodged during the shell harvesting process will settle out in the navigable channel and be dredged by U.S. Army Corps of Engineers (USACE) and the Maryland Port Administration in the course of their channel maintenance program. (See attached DNR Plan Map and Dredge Cut Diagram)

The mud that will be stirred up during the dredging for shell will be a temporary condition and minor compared to other dredging activities by the USACE in the Upper Bay and the enormous amounts of sediment discharged from above Conowingo Dam during storms. The long-term benefits to the natural environment and overall Bay water quality from well-placed indigenous shell obtained from Man O'War Shoals will eclipse any temporary unsettling of the natural environment caused by the shell dredging process. The resulting increase of oysters in the Bay will have a positive economic impact in local jurisdictions and fishing communities – while a natural oyster bar left alone in the upper Bay will eventually, if not already, be smothered by sedimentation and be of little ecological or economic value.

According to DNR's Annual Oyster Surveys from the past several years, Man O'War Shoals is not producing any spat or production-size oysters.

For 40-plus years, the State dredged shell from the upper reaches of the Chesapeake Bay for the oyster replenishment (repletion) program. This program was terminated in 2006 despite very successful results with oyster reproduction and market production of oysters. Since 2006, oysters in the upper reaches of the Chesapeake Bay have almost ceased to exist, other than select areas being planted by watermen's groups. Again, recent DNR Oyster Surveys corroborate this information as well as the work of the Oyster Advisory Commission.

The application for the harvesting of shell from Man O'War Shoals has been pending for longer than can reasonably be justified. The lack of shell breeds fierce competition among stakeholders in the oyster fishery and impedes efforts to maximize the economic and ecological benefits. Because of limited supply, the costs are inflated. The process to gain access to a proven source of natural indigenous shell should be a unifying undertaking – and a priority. This bill does just the opposite.

For these reasons, DFA urges an UNFAVORABLE report on HB 500.

Attachments: Shell Matters; Letter to Board of Public Works with Industry Resolution;
DNR Plan ad Dredge Cuts

CONTACT: Capt. Robert Newberry at 410-708-9851 or newberry56@gmail.com
Chip MacLeod at 410-810-1381 or cmacleod@mlg-lawyers.com





Shell Matters

A prudently managed oyster fishery can be one of the most cost-effective best management practices to improve Bay water quality, while boosting the seafood industry and local economies. All aspects of oyster restoration - sanctuaries, hatcheries, aquaculture and the wild fishery - require shell:

- Baby oysters (spat) need a clean hard surface on which to strike in order to grow.
- Natural indigenous oyster shell is the absolute best substrate for oysters.
- No new pollution, sediments, pathogens or toxins are introduced into the Chesapeake Bay by using natural native shell.

Artificial substrate is not the best way forward to restore oysters in the Bay. The **scarcity of natural oyster shell for use in oyster restoration and propagation is a self-imposed shortage**; there is an enormous amount of shell – especially in the upper Bay – buried under sediment.

Shell replenishment has a proven track record of success.

- For **more than 40 years** the State dredged shell from the upper reaches of the Bay for the oyster seed and shell replenishment program. This program was terminated in 2006 (for dubious reasons) despite very successful results with oyster reproduction, market production of oysters, and **more than \$60 million in revenue** generated for the State.
- Virginia is having success dredging up natural shell (using the same dredge that Maryland operated in the upper Bay prior to 2006) and relocating the shell to where natural spat sets and recruitment are most likely to occur.
- In 2009, the General Assembly passed an emergency bill (HB 103) directing DNR to apply for the permits to dredge for buried oyster shells.
- Now pending before the Board of Public Works is a detailed DNR application, **reviewed and approved by the Army Corps of Engineers, NOAA, EPA, Coast Guard and MDE** for the regulated harvesting of shell from an area in the upper Bay for use throughout the Bay and tributaries by all stakeholders.

Man O'War Shoals

Man O'War Shoals is a **roughly 2-mile, 400 acre** natural oyster bar in the upper Bay; the area designated by DNR for controlled harvesting of shell is **approximately 30 acres**.

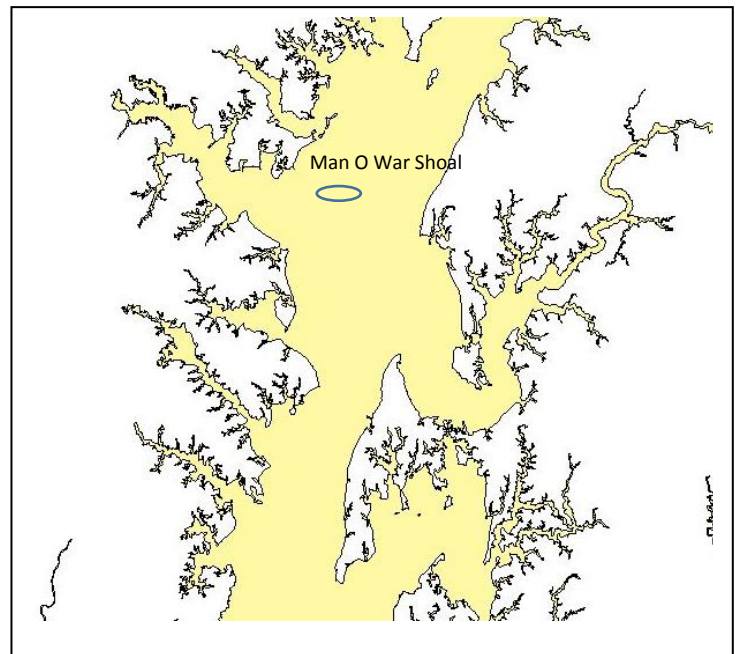
The State of Maryland should stop sanctioning the importation and dumping of rubble waste and non-indigenous shell into the Bay to create hard bottom in closed sanctuaries and instead invest in natural, proven strategies that include coordination with the seafood industry.

Maryland Department of Natural Resources

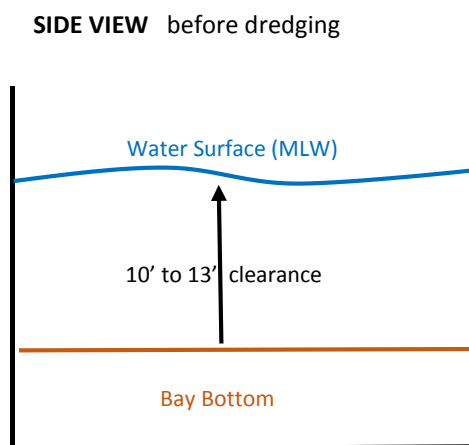
Man O War Shoal
Shell Dredging Permit Application
Plan Map and Dredge Cut Diagram

February 2017

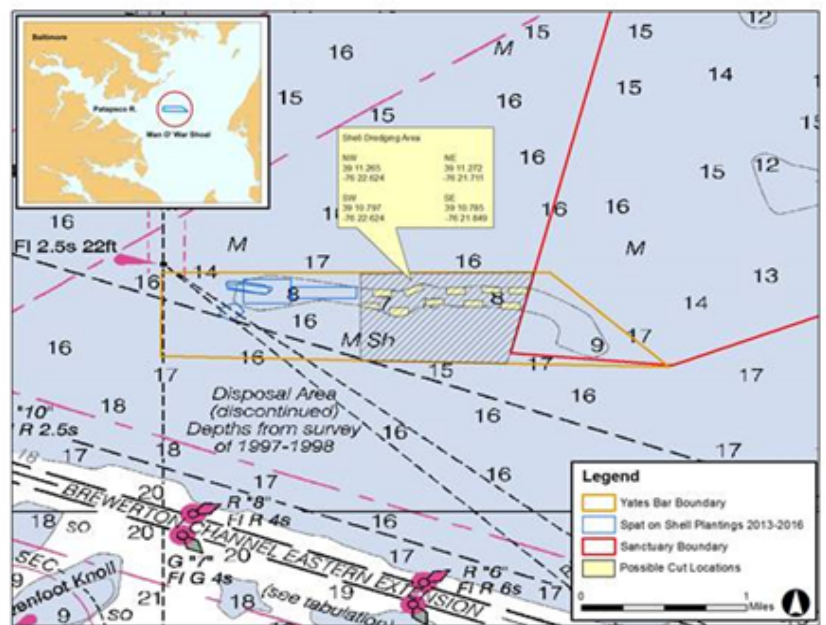
Dredge cut locations are potential, not actual sites. Actual cut sites will be determined before dredging occurs as per conditions in the permit



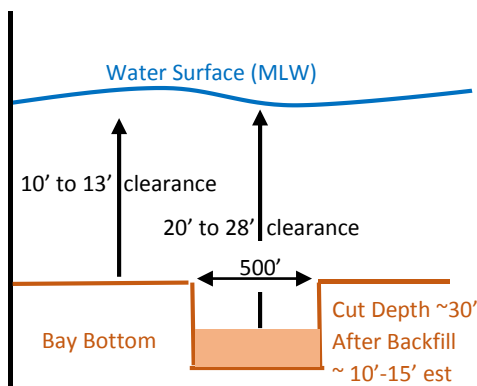
SIDE VIEW of Dredge Cut



TOP VIEW of Dredge Cuts



SIDE VIEW after dredging



- The proposed shell dredging area is the crosshatched area.
- Locations of dredge cuts are conceptual, for illustration purposes.
- Actual locations determined before dredging and according to the permit.
- Cut dimensions will be 500' maximum width and a length no greater than 1/3 of the way into the charted edge of the shoal (average of 275' long).
- Undredged bottom will be left between cuts.
- No greater than 10 cuts will be made to remove the proposed 5 million bushels of shell.



December 6, 2019

Honorable Lawrence J. Hogan, Jr., Governor
Honorable Peter V.R. Franchot, Comptroller
Honorable Nancy K. Kopp, Treasurer
Maryland Board of Public Works
State House
100 State Circle
Annapolis, Maryland 21401-1925

Re: Industry Resolution Requesting Action on DNR Permit Application for Man
O'War Shoal Oyster Shell Dredging (Tidal Wetlands Case No. 15-WL-0757)

Dear Governor Hogan, Comptroller Franchot and Treasurer Kopp:

Enclosed please find a milestone Resolution signed by Maryland seafood industry leaders, participants and allied businesses urging the Board of Public Works to take affirmative action on the pending DNR permit application to dredge buried oyster shell at Man O'War Shoal in northern Chesapeake Bay. The Resolution we hope speaks for itself and reflects solidarity in the commercial seafood industry as evidenced by the unified support of Delmarva Fisheries Association, Maryland Watermen's Association, Maryland Oystermen Association and County Oyster Committee and County Watermen Association leaders.

Moreover, this Resolution supplements the previous letters of support from the Maryland Rural Counties Coalition and the Eastern Shore Delegation of the General Assembly for moving forward with oyster shell dredging at Man O'War Shoal, as well as the prior testimony and written comments provided by our organizations and members in full support of this call for action.

A final decision in this regard is long overdue and critical to the work of so many. Natural oyster shell is desperately needed for all aspects of oyster restoration in Maryland – aquaculture, sanctuaries, hatcheries and the commercial/public fishery. There is no dispute among all stakeholders that natural indigenous shell is the absolute best for oyster propagation and growth; and there is an enormous supply in the upper Bay, buried under sediment – where it does no good. Given all the modern-day stressors on the Bay, unmanaged oyster bars become graveyards for the iconic bivalve. The self-imposed shortage of shell is a significant obstacle to getting more oysters in the Bay – a goal we all embrace.

Knowing that Man O'War Shoal is the largest deposit of oyster shell in the State and well-aware of Maryland's successful shell replenishment program that DNR sponsored in cooperation with the commercial seafood industry for more than four decades (a program now

www.DelmarvaFisheries.org | www.CleanChesapeakeCoalition.org

120 SPEER ROAD, SUITE 1, CHESTERTOWN, MARYLAND 21620

December 6, 2019

Page 2

being copied by the Commonwealth of Virginia with much success – and to Maryland’s economic detriment), the reasons we hear from the opposition who would rather declare Man O’War Shoal off limits as a source of natural oyster shell are spurious at best.

We respectfully request that DNR’s pending application be prioritized as an agenda item for action by the Board of Public Works as soon as possible, and with that an opportunity to be heard. Please act now and give our collective efforts for more oysters in the water the key ingredient – shell.

Very Truly Yours,



Ronald H. Fithian
Chairman, CCC
Kent County Commissioner



Capt. Robert Newberry
Chairman, DFA

Enclosures: Seafood Industry Resolution
Eastern Shore Delegation Letter (8/21/19)
MD Rural Counties Coalition Letter (8/26/19)

cc: Jeannie Haddaway-Riccio, Secretary, DNR
Eastern Shore Delegation
Maryland Rural Counties Coalition
Maryland Watermen’s Association
Maryland Oystermen Association
Oyster Advisory Commission

We, the Undersigned, do Hereby Support the Following

RESOLUTION

A Resolution by Members, Allied Businesses and Supporters of the Maryland Seafood Industry urging the Board of Public Works (BPW) to take affirmative action regarding the DNR permit application to dredge buried oyster shell at Man O'War Shoals.

RECITALS

WHEREAS, in 2009 at the request of the Oyster Advisory Commission (OAC), the General Assembly passed HB103 directing DNR to apply for a new shell dredging permit which they did on July 1, 2009 (over a decade ago). From DNR website:

This site was selected because it has the most significant deposit of buried shell (86 to 103 million bushels, Maryland Geological Survey, personal communications) among the other sites considered and does not occur within a striped bass spawning reach as do other shell deposits...In response to stakeholders' concerns about the potential ecological effects of a shell dredging project of this magnitude, the department requested an initial 5-year permit to dredge about 5 million bushels of shell as part of a **comprehensive monitoring project to assess the ecological consequences of removing shell from the shoal** (emphasis added).

WHEREAS, the following agencies, United States Army Corps of Engineers (USACE), National Oceanic & Atmospheric Administration (NOAA), National Marine Fisheries Service (NMFS), the United States Environmental Protection Agency (EPA), United States Coast Guard (USCG), and Maryland Department of the Environment (MDE), have reviewed, commented and signed off on the current version of the pending permit.

WHEREAS, a cornerstone of DNR's recently adopted Fishery Management Plan for Oysters is the availability of natural shell. This shell is required for sanctuaries, aquaculture and the public fishery. Shell from Man O'War will benefit all three. Had the permit been issued last year following the issuance of the provisional permit by USACE, the recent robust natural spatset witnessed in the lower Bay might not have been lost; both recent surveys and watermen's intimate knowledge of Bay waters reveal areas where natural spatset occurs.

WHEREAS, to address environmental concerns, the permit is limited in scope. Year 1 will be devoted to the seasonal collection of baseline environmental data on water quality, oyster populations, and fish and benthic communities. Year 2 will see the removal of approximately 2 million bushels of shell, making four cuts. Years 2 & 3 will include the collection of further seasonal monitoring data on the metrics described above. By the end of Year 4, data will be analyzed and disseminated. **In the event that no significant adverse effects are detected, in Year 5 the remaining 3 million bushels will be dredged. Any further dredging would require a new permit.** The permit allows for the dredging of up to 5 million bushels (of an estimated 86-103 million) over the course of 5 years and includes multiple levels of environmental monitoring. A decade-long delay implanting a proven strategy has had severe adverse impacts on Bay water quality, restoration efforts and the commercial fishery.

OVER →

WHEREAS, both the Eastern Shore Delegation of the Maryland General Assembly and the Maryland Rural Counties Coalition, by way of letters to Comptroller Franchot, do also support the proposed Man O'War Shoals dredging project.

WHEREAS, the timeline for this project has been drawn out to an exceptional degree and allowed for multiple agencies, organizations and individuals to provide input, plans to be revised and environmental concerns addressed. An abridged timeline follows:

2009 General Assembly of Maryland (GAM) Requests DNR Apply for Permit to Dredge Natural Shell

July 1, 2009 DNR Submits Dredging Application

Interim: Per Request from USACE, DNR Explores Alternative Shell and Non-Shell Substrate Alternatives

July 17, 2015 DNR Re-Submits Dredging Application

September 9, 2015 DNR Applies for Tidal Wetlands License

February 18, 2016 Public Comment on Tidal Wetlands License Closes

February 2017 DNR Re-Submits Dredging Application

October 2017 MDE Releases Wetland Report & Recommendation to BPW Recommending Approval of Tidal Wetlands License

November 1-21, 2017 Additional Public Notice re: Tidal Wetlands License

May 17, 2018 USACE Issues Provisional Permit to DNR for Dredging MOW Shoals

2019 Emergency Bills to Prohibit Dredging at MOW Shoals introduced during GAM Session. Did not make it out of committee.

NOW THEREFORE, BE IT RESOLVED BY THE FOLLOWING MEMBERS, ALLIED BUSINESSES AND SUPPORTERS OF THE MARYLAND SEAFOOD INDUSTRY, that that the Signatories do hereby request that the Board of Public Works takes affirmative action regarding the DNR permit application to dredge buried oyster shell at Man O'War Shoals. It is past time that a decade-old mandate by the General Assembly of Maryland, and the subsequent recommendation of the Maryland Department of Natural Resources, be realized and we finally have a definitive answer on the environmental impact of dredging buried shell, as well as a supply of the preferred substrate (i.e. clean, natural shell) to supplement restoration efforts in sanctuaries, on aquaculture bottom leases and in cages, in hatcheries, and in areas of the public fishery with historically robust natural spatset that currently lack clean, adequate, hard bottom.

ADOPTED and effective by those signatories below in September, October and November 2019.

Signatories Appended Below

BE IT RESOLVED BY THE FOLLOWING MEMBERS, ALLIED BUSINESSES AND SUPPORTERS OF THE MARYLAND SEAFOOD INDUSTRY, that that the Signatories do hereby request that the Board of Public Works takes affirmative action regarding the DNR permit application to dredge buried oyster shell at Man O'War Shoals. It is past time that a decade-old mandate by the General Assembly of Maryland, and the subsequent recommendation of the Maryland Department of Natural Resources, be realized and we finally have a definitive answer on the environmental impact of dredging buried shell, as well as a supply of the preferred substrate (i.e. clean, natural shell) to supplement restoration efforts in sanctuaries, on aquaculture bottom leases and in cages, in hatcheries, and in areas of the public fishery with historically robust natural spatset that currently lack clean, adequate, hard bottom.


Chairman, Delmarva Fisheries Association

NEXT PAGE
President, Maryland Watermen's Association


Chairman, Calvert Oyster Committee



Chairman, Dorchester Oyster Committee



Chairman, Kent Oyster Committee


Chairman, Queen Anne's Oyster Committee
& Oyster Advisory Commissioner


Chairman, Somerset Oyster Committee


Chairman, St. Mary's Oyster Committee


Chairman, Talbot Oyster Committee
& Oyster Advisory Commissioner


Chairman, Wicomico Oyster Committee


Ron Fithian, Oyster Advisory Commissioner



Tom Bradshaw, Oyster Advisory Commissioner


Greg Kemp, Talbot Seafood Heritage Assoc.
& Oyster Advisory Commissioner

SUBSEQUENT PAGE
Jim Mullin, Maryland Oystermen Association
& Oyster Advisory Commissioner


Bobby Whaples, Dorchester Seafood Heritage
Association

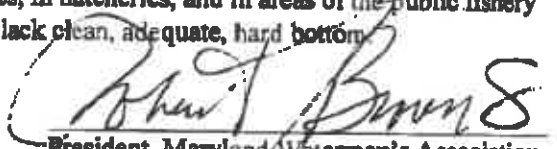
Jack Brooks, Chesapeake Bay Seafood
Industries Association


Chair Anne Arundel Co
Oyster Committee


Charles Conely Oyster Committee

BE IT RESOLVED BY THE FOLLOWING MEMBERS, ALLIED BUSINESSES AND SUPPORTERS OF THE MARYLAND SEAFOOD INDUSTRY, that that the Signatories do hereby request that the Board of Public Works takes affirmative action regarding the DNR permit application to dredge buried oyster shell at Man O'War Shoals. It is past time that a decade-old mandate by the General Assembly of Maryland, and the subsequent recommendation of the Maryland Department of Natural Resources, be realized and we finally have a definitive answer on the environmental impact of dredging buried shell, as well as a supply of the preferred substrate (i.e. clean, natural shell) to supplement restoration efforts in sanctuaries, on aquaculture bottom leases and in cages, in hatcheries, and in areas of the public fishery with historically robust natural spatset that currently lack clean, adequate, hard bottom.

Chairman, Delmarva Fisheries Association



President, Maryland Watermen's Association
& Oyster Advisory Commissioner*

Chairman, Calvert Oyster Committee

Chairman, Dorchester Oyster Committee

Chairman, Kent Oyster Committee

Chairman, Queen Anne's Oyster Committee
& Oyster Advisory Commissioner

Chairman, Somerset Oyster Committee

Chairman, St. Mary's Oyster Committee

Chairman, Talbot Oyster Committee
& Oyster Advisory Commissioner

Chairman, Wicomico Oyster Committee

Ron Fithian, Oyster Advisory Commissioner

Tom Bradshaw, Oyster Advisory Commissioner

Greg Kemp, Talbot Seafood Heritage Assoc.
& Oyster Advisory Commissioner

Jim Mullin, Maryland Oystermen Association
& Oyster Advisory Commissioner

Bobby Whaples, Dorchester Seafood Heritage
Association

Jack Brooks, Chesapeake Bay Seafood
Industries Association

*Oyster Advisory Commissioner = a member of DNR's Oyster Advisory Commission.

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President, Maryland Watermen's Association

Chairman, Calvert Oyster Committee

Chairman, Dorchester Oyster Committee

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Chairman, Queen Anne's Oyster Committee
& Oyster Advisory Commissioner

Chairman, Somerset Oyster Committee

Chairman, St. Mary's Oyster Committee


Chairman, Talbot Oyster Committee
& Oyster Advisory Commissioner

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Ron Fithian, Oyster Advisory Commissioner

Tom Bradshaw, Oyster Advisory Commissioner

Greg Kemp, Talbot Seafood Heritage Assoc.
& Oyster Advisory Commissioner



Jim Mullin, Maryland Oystermen Association
& Oyster Advisory Commissioner

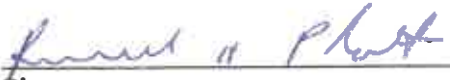
Bobby Whaples, Dorchester Seafood Heritage
Association

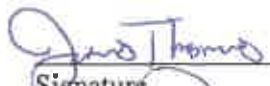
Jack Brooks, Chesapeake Bay Seafood
Industries Association



KENT COUNTY WATERMAN


BE IT RESOLVED BY THE FOLLOWING MEMBERS, ALLIED BUSINESSES AND SUPPORTERS OF THE MARYLAND SEAFOOD INDUSTRY, that that the Signatories do hereby request that the Board of Public Works takes affirmative action regarding the DNR permit application to dredge buried oyster shell at Man O'War Shoals. It is past time that a decade-old mandate by the General Assembly of Maryland, and the subsequent recommendation of the Maryland Department of Natural Resources, be realized and we finally have a definitive answer on the environmental impact of dredging buried shell, as well as a supply of the preferred substrate (i.e. clean, natural shell) to supplement restoration efforts in sanctuaries, on aquaculture bottom leases and in cages, in hatcheries, and in areas of the public fishery with historically robust natural spatset that currently lack clean, adequate, hard bottom.


Signature
Print Name: Christopher M. Kayhoe



Signature
Print Name: KENNETH H. PLATT



Signature
Print Name: James Thomas

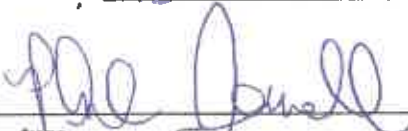

Signature
Print Name: GEORGE E. LUONGO



Signature
Print Name: George Thomas


Signature
Print Name: Lenell Jones



Signature
Print Name: ALBERT S. HAMPTON



Signature
Print Name: LEON WASHINGTON


Signature
Print Name: Phil Jewell


Signature
Print Name: W. RONALD SMITH


Signature
Print Name: Michael Rutli


Signature
Print Name: Edward G. Gionas

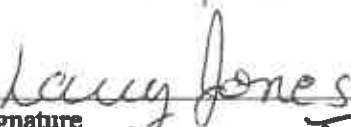

Signature
Print Name: John W. Kettering



Signature
Print Name: Ian Horney

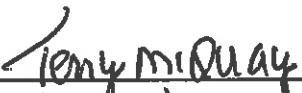
Please return to Delmarva Fisheries Association, 120 Speer Road, Suite 1, Chestertown, MD 21620 by October 4, 2019 so that we may forward in bulk to the Board of Public Works.


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Signature
Print Name: Troy Lee



Signature
Print Name: Larry Jones

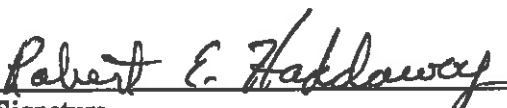

Signature
Print Name: Rodger McQuay



Signature
Print Name: Terry McQuay

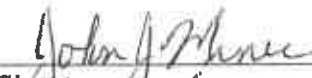

Signature
Print Name: CRAIG BARNHART


Signature
Print Name: Alvin Richardson



Signature
Print Name: William Alvin Richardson

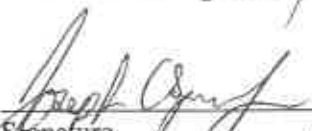

Signature
Print Name: ROBERT E. HADDAWAY


Signature
Print Name: John J. Dodge


Signature
Print Name: JOHN J. MINER


Signature
Print Name: Russ Dwyer



Signature
Print Name: Guy Sperry


Signature
Print Name: Joseph C. Sherry Jr.



Signature
Print Name: Ed Crouch


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Signature
Print Name: Brian C. Williams



Signature
Print Name: Peter W. Lubin



Signature
Print Name: Ronald Swartz


Signature
Print Name: MARC VAN PELT


Signature
Print Name: Bruce Lowery


Signature
Print Name: David R. Miller


Signature
Print Name: WILLIAM SKIPPES


Signature
Print Name: Robin G. Harrison


Signature
Print Name: W. Shamus Pickens

Signature
Print Name: _____

Signature
Print Name: _____

Signature
Print Name: _____

Signature
Print Name: _____

Signature
Print Name: _____

Please return to Delmarva Fisheries Association, 120 Speer Road, Suite 1, Chestertown, MD 21620 by October 4, 2019 so that we may forward in bulk to the Board of Public Works.

SENATORS

MARY BETH CAROZZA
ADDIE C. ECKARDT
JASON C. GALLION
STEPHEN S. HERSHEY, JR.



DELEGATES

STEVEN J. ARENTZ
CHAIR

JOHNNY MAUTZ
VICE CHAIR

CHRISTOPHER T. ADAMS
TREASURER

CARL ANDERTON, JR.
ANDREW CASSILLY
JEFFERSON L. GHRIST
WAYNE A. HARTMAN
KEVIN BAILEY HORNBERGER
JAY A. JACOBS
CHARLES OTTO
TERESA REILLY
SHEREE SAMPLE-HUGHES

THE MARYLAND GENERAL ASSEMBLY
ANNAPOLIS, MARYLAND 21401
EASTERN SHORE DELEGATION

August 21, 2019

Honorable Peter V.R. Franchot
Comptroller of Maryland
80 Calvert Street
P.O. Box 466
Annapolis, Maryland 21401-0466

Re: Man O'War Shoals Shell Dredging Permit

Dear Comptroller Franchot:

It has come to our attention that the Board of Public Works is revisiting the plan to utilize buried oyster from Man O'War Shoals in various oyster-related efforts in the Chesapeake Bay after the General Assembly failed to move forward with the prohibition despite vigorous efforts on the part of certain special interest groups during the 2019 session. As members of the Eastern Shore Delegation, we are pleased that spurious talking points that ignore recommendations from career scientists at the Maryland Departments of Natural Resources and the Environment, as well as the U.S. Army Corps of Engineers, developed over nearly a decade of study and analysis, failed to exacerbate the self-imposed shell shortage that has affected restoration efforts for many years.

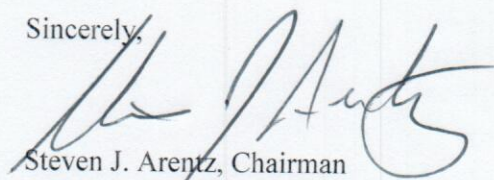
For the following reasons, the Eastern Shore Delegation supports moving forward with dredging at Man O'War Shoals:

1. Horn Point Hatchery suffered a catastrophic failure in generating spatset this year, **producing 200 times less than last year, and 300 times less than the year before**. At the same time, areas in the lower Bay are producing a bumper crop. Had DNR been able to place shell these places with strong recruitment, they could now be moving them around the Bay to suitable bottom both in and out of the sanctuaries.
2. Man O'War Shoals is a relatively isolated natural oyster bar located just to the north of the navigable channel in the Patapsco River in which ships travel to the Port of Baltimore. The shoal comprises more than 400 acres and the area designated for the harvesting of shells is approximately 30 acres (~7%) over the course of several years and incorporates extensive monitoring components.

3. The vast majority of sediments dislodged during the shell harvesting process will settle out in the navigable channel and be dredged by U.S. Army Corps of Engineers (USACE) and the Maryland Port Administration in the course of their shipping channel maintenance program. The proposed dredge site is not close to the site where Baltimore County watermen have planted oysters and the dredging activity will not have a negative impact on these efforts.
4. According to surveys conducted by MDNR over the preceding eight years, the majority of this bar has no live oysters. Additionally, the volume of fresh water that has entered the Bay from the Susquehanna during the record rainfall in 2018 and 2019 has resulted in high oyster mortality. They are not proposing to dredge in a place that would interfere with active, successful oyster growth.
5. The Eastern Shore Delegation represents constituents who rely on the bounty of the Bay and, in many cases, have done so for generations. In addition to those that work in the seafood and related industries, thousands of tourists flock to our districts each year to enjoy our waterways and activities that have their roots in watermen's culture. We support efforts that support the socio-economic success of our residents and honor the rich history that abounds here.
6. Various environmental organizations have repeatedly suggested that construction rubble would serve as a preferable substrate on which baby oysters can grow. Scientific research indicated that Mother Nature's substrate (indigenous shell) is the best for spat and it seems absurd to dump filthy **rubble** into the waters of the Chesapeake Bay in an effort to clean it up when there exists hundreds of millions of buried shell to complete the task at hand.
7. For more than 40 years, the State dredged shell from the upper reaches of the Bay for the oyster replenishment program. This program was terminated in 2006 despite very successful results with oyster reproduction, market production of oysters, and 60 million+ in revenue generated for the State. Since 2006, oysters in the upper reaches of the Bay have almost ceased to exist, other than select areas being planted by watermen's groups. Again, recent oyster surveys corroborate this information. In 2009, the General Assembly passed an emergency bill (HB 103) directing the Maryland Department of Natural Resources (DNR) to apply for the permits to dredge buried shells. It's now 2019 and past time for action.

In closing, we urge you to allow this process to finally move forward so we can get to the important work of increasing the iconic oyster in our waters. The delay threatens residents all over the Bay watershed, not just those on the Eastern Shore.

Sincerely,



Steven J. Arentz, Chairman
Eastern Shore Delegation



August 26, 2019

Honorable Peter V.R. Franchot
Comptroller of Maryland
80 Calvert Street
P.O. Box 466
Annapolis, Maryland 21401-0466

Re: Man O'War Shoals Shell Dredging Permit

Dear Comptroller Franchot:

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For the following reasons, the Maryland Rural County Coalition supports moving forward with shell dredging at Man O'War Shoals:

1. Horn Point Hatchery suffered a catastrophic failure in generating spatset this year, **producing 200 times less than last year, and 300 times less than the year before.** At the same time, areas in the lower Bay are producing a bumper crop. Had DNR been able to place shell these places with strong recruitment, they could now be moving them around the Bay to suitable bottom both in and out of the sanctuaries.
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MARYLAND RURAL COUNTIES COALITION

ALLEGANY | CALVERT | CAROLINE | CARROLL | CECIL | DORCHESTER | FREDERICK | GARRETT | KENT
QUEEN ANNE'S | SOMERSET | ST. MARY'S | TALBOT | WASHINGTON | WICOMICO | WORCESTER

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In closing, we urge you to allow this process to finally move forward so we can get to the important work of increasing the iconic oyster in our waters. The delay threatens residents and businesses all over the Bay watershed, not just those in rural counties.

Sincerely,



Jack Wilson, RCC Chairman
Queen Anne's County

MARYLAND RURAL COUNTIES COALITION

ALLEGANY | CALVERT | CAROLINE | CARROLL | CECIL | DORCHESTER | FREDERICK | GARRETT | KENT
QUEEN ANNE'S | SOMERSET | ST. MARY'S | TALBOT | WASHINGTON | WICOMICO | WORCESTER

HB500_DNR_LOI

Uploaded by: Bunky Luffman

Position: INFO



Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor
Jeannie Haddaway-Riccio, Secretary
Allan Fisher, Deputy Secretary

Bill Number: HB 500

Short Title: Dredging on Man-O-War Shoals - Prohibition

Department's Position: Letter of Information

Explanation of Department's Position

The Maryland Department of Natural Resources (DNR) provides the following information on HB 500.

House Bill 103 and Senate Bill 175 of 2009 directed DNR to apply for a permit to procure shell from Man-O-War shoals. In accordance with the law, DNR applied for and received a provisional permit from the U.S. Army Corps of Engineers (USACE). That permit is conditional on the subsequent award of a State Wetlands Permit, which requires Board of Public Works (BPW) approval. A full report on the proposed project was submitted to BPW by the Maryland Wetlands Administration. The U.S. Army Corps of Engineers (USACE) permit does not authorize work to begin as it is only a "provisional permit," and is conditional to obtaining a State Wetlands Permit.

Under the provisional application, the proposed project is highly structured and controlled to safeguard against any foreseeable environmental impacts that might occur during dredging. Environmental studies are required throughout the 5-year project, beginning in Year 1 even before shell dredging is allowed. Dredging can only begin in Year 2, if the USACE and the Maryland Department of the Environment (MDE) approve based on the results of the Year 1 studies. The environmental studies include in depth data collection on water quality, turbidity, fish populations, benthic populations, oysters, and bottom topography. Comprehensive monitoring is also required pre-, during, and post-construction on an ongoing basis.

The USACE provisional permit and the Maryland Department of the Environment report and recommendations have the following restrictions on shell dredging at Man-O-War to limit the potential impacts of the project:

- limiting number of cuts to approximately 10 (about 32 acres out of a total of approximately 450 acres)
- prescribing that the depth cannot cut all the way through the shoal
- prescribing the cuts shall be no more than 500' wide
- that undredged bottom be left between cuts

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- limiting the amount of shell to be removed over the 5 year period to 5 million bushels out of a total of approximately 100 million bushels available at Man-O-War Shoals (about 5%)
- restricting activity in Year 1 to environmental studies only
- restricting shell dredging in Year 2 to 2 million bushels
- that dredging can only occur after the USACE and MDE have reviewed and approved the results of the studies in Year 1
- prohibiting shell dredging in Year 3, while requiring environmental studies to continue
- prohibiting shell dredging in Year 4, while requiring that the environmental study results from Years 1,2,3 to be submitted to the permit agencies for review
- limiting shell dredging in Year 5 to the remaining 3 million bushels, but only if the agencies approve dredging based on the environmental study results from Years 1,2,3
- no dredging is allowed from February 15 through June 15 to protect anadromous spawning fish

Detailed studies, which include a final study to be submitted in Year 5, must include investigations into water quality, fish populations, benthic populations, oysters, turbidity, and bottom topography. A tally of bushels shall be provided showing the bushels used by the three oyster sectors: sanctuary, public fishery, aquaculture.

The oyster shell to be dredged from Man-O-War shoal will be planted on sanctuary bars for ecological restoration, aquaculture sites for private oyster production, harvest reserves, and open harvest areas for public fishery production. The allocation for shells has not been determined yet. DNR plans to conduct extensive stakeholder outreach in planning the project and deciding allocation.

Access to shell and substrate is important to the state's ability to continue its work in restoring oysters to the Chesapeake Bay. As shell becomes increasingly scarce, it may also negatively impact small business development for the commercial and aquaculture sectors of the seafood industry.

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