

# **JAJ 593 OYSTER SHEEL DREDGING PERMIT.pdf**

Uploaded by: Joanne Smith

Position: FAV

**JAY A. JACOBS**  
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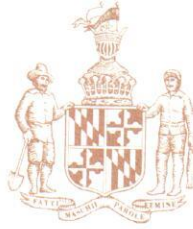
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Environment and Transportation  
Committee

*Subcommittees*  
Motor Vehicles and Transportation  
Natural Resources, Agriculture,  
and Open Space

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Joint Committee on Administrative,  
Executive, and Legislative Review



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THE MARYLAND HOUSE OF DELEGATES  
ANNAPOLIS, MARYLAND 21401

**HB593 – Department of Natural Resources – Oyster Shell Dredging – Permit Application**

**Chairman Barve and Members of the Environment and Transportation Committee,**

**Today I am presenting HB 593, an Emergency Bill to address the shortage of clean oyster shell that is in so much demand at this time for the repletion of oyster bars at various locations in the State of Maryland. This bill lists 27 sites throughout the Chesapeake Bay region determined by the County Oyster Committees for possible dredging of buried shell to be relocated on sites determined by the County Oyster Committees and the Board of Directors of the Oyster Recovery Partnership. This legislation also requires the Department of Natural Resources to apply to the Department of the Environment and the United States Army Corps of Engineers for permits to dredge the buried shell.**

**The legislation also directs that any shell removed from public bottom shall be relocated on public bottom.**

**Thank you for your consideration and I ask for a favorable vote!**

# **HB 593 Shell Recovery\_DeanR.pdf**

Uploaded by: Rachel Dean

Position: FAV

Environment and Transportation

RE: HB 593

Oyster shells from the public fishery are sustaining sanctuary restoration, spat on shell aquaculture, and wild fishery repletion projects.

The Oyster Advisory Commission recognizes there is a shell shortage in the State of Maryland.

It is important to find viable sources of shell.

Shell reclamation projects have been successfully completed in the Patuxent River. I have seen firsthand how the projects have helped with oyster propagation **on both the bar where shell was reclaimed and the oyster bar where the shell was relocated.**

Please support House Bill 593. The industry, restoration efforts, and aquaculture depend on it.

Rachel Dean  
Patuxent River Seafood  
382 Dogwood Court  
Lusby, Maryland 20657  
301-672-3509

**HB 593\_CBF OPPOSE.pdf**

Uploaded by: Allison Colden

Position: UNF



# 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.

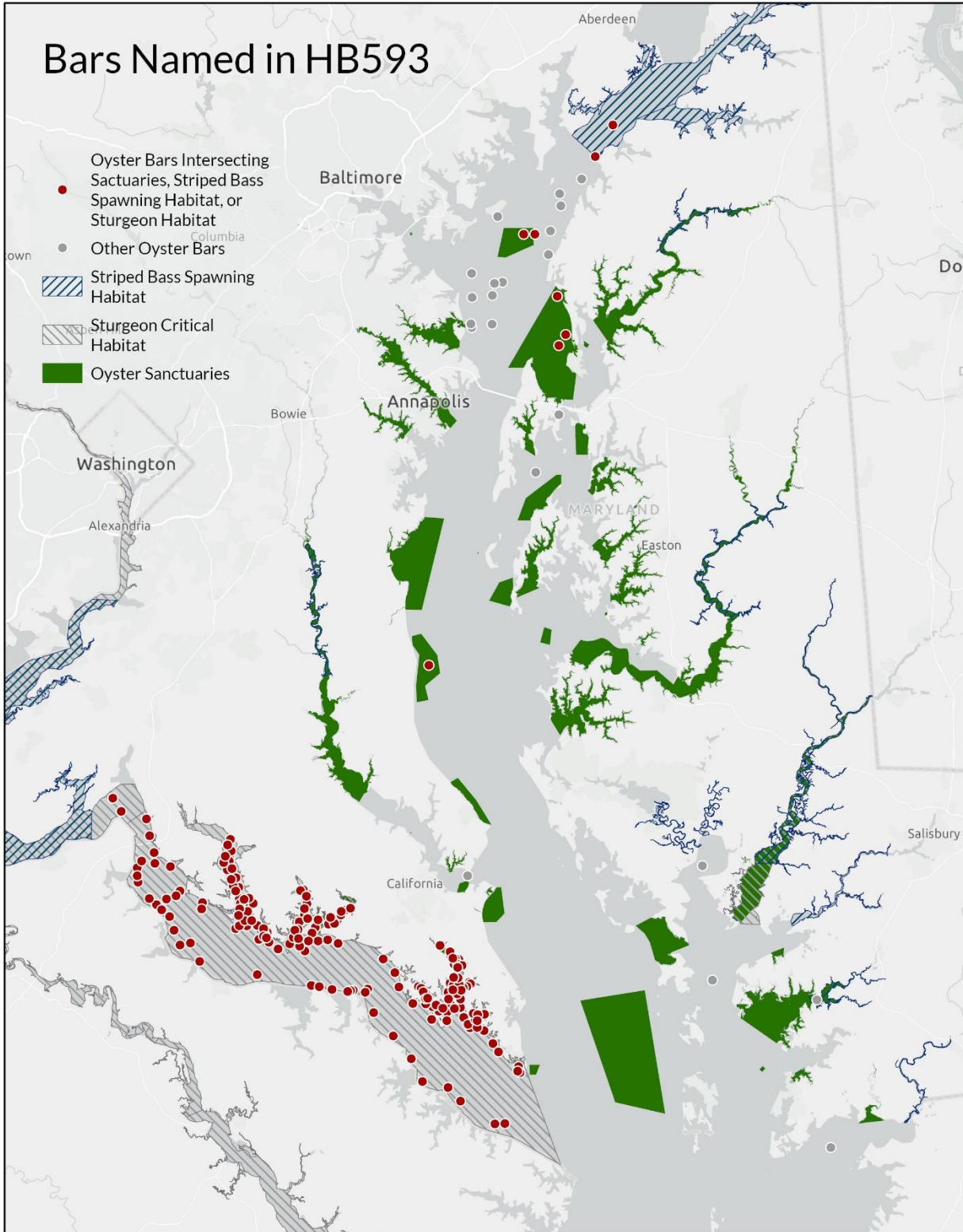
### **Scientific modeling suggests this action would result in further declines in oyster abundance.**

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](mailto:acolden@cbf.org) and 443.482.2160.

Maryland Office • Philip Merrill Environmental Center • 6 Herndon Avenue • Annapolis • Maryland • 21403  
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ATTACHMENT



Data Source: Maryland DNR; NOAA; MD HB593

Created by: K.Leaverton | CBF Staff | 2.11.2022

# **HB 593 Oyster Shell Dredging COA OPP.pdf**

Uploaded by: Chesapeake Oyster Alliance

Position: UNF





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 - PIRATES COVE OYSTER CO. - SHORERIVERS - TRUE CHESAPEAKE OYSTER CO LLC - OYSTER COMPANY OF VIRGINIA - REEFTEK, LLC - ORCHARD POINT OYSTERS

**House Bill 593**

Department of Natural Resources – Oyster Shell Dredging – Permit Application

DATE: February 16, 2022

POSITION: **OPPOSE**

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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.

**We, the above-listed members of the Chesapeake Oyster Alliance, OPPOSE House Bill 593 and recommend a UNFAVORABLE report from the House Environment & Transportation Committee.**

From 1960-2006 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 “seed and 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 degrading the habitat value to the regional ecosystem and local Bay stakeholders, including local watermen and recreational fishers.

Shell is a valuable resource for oyster restoration, wild harvest subsidies and some aquaculture operations, but shell should not be taken from existing habitat to attempt to build new habitat elsewhere in the Bay.

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 many alternatives have all been proven as viable substrates to replace the use of buried shell in restoration, aquaculture, and wild harvest.

For these reasons, the Chesapeake Oyster Alliance respectfully recommends an **UNFAVORABLE report for House Bill 593 from the House Environment & Transportation Committee**. Please contact David Sikorski (david@ccamd.org; (443) 621-9186) with any questions.

**HB593\_CCAMD.pdf**

Uploaded by: David Sikorski

Position: UNF

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 593** – Department of Natural Resources – Oyster Shell Dredging - Permit Application

**CCA Maryland Position: OPPOSE**

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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.

Additional information on this past action can be found at: [savemanowar.org](http://savemanowar.org)

**For these reasons, we respectfully request a UN-FAVORABLE vote on HB 593** *For further discussion regarding this issue, please contact CCA Maryland Executive Director, David Sikorski – (443)621-9186 – david@ccamd.org*

**Written statement on HB 593 -- 16FEBRUARY2022.pdf**

Uploaded by: Paul Schurick

Position: UNF



**WRITTEN STATEMENT ON BEHALF OF THE OYSTER RECOVERY PARTNERSHIP  
HOUSE ENVIRONMENT & TRANSPORTATION COMMITTEE  
HOUSE BILL 593: DEPARTMENT OF NATURAL RESOURCES – OYSTER SHELL DREDGING – PERMIT  
APPLICATION  
WEDNESDAY, FEBRUARY 16, 2022**

Mr. Chairman and Members of the House Environment and Transportation Committee:

The Oyster Recovery Partnership (ORP) respectfully asks the Committee to return an unfavorable report on House Bill 593 as currently written.

ORP is a 28-year-old nonprofit organization headquartered in Annapolis. Our mission is to increase the environmental and economic value of Maryland's oyster population and we work closely with the Maryland Department of Natural Resources, Maryland's commercial seafood industry, and the oyster aquaculture industry to build and rebuild oyster reefs in the Chesapeake Bay. Since its founding in 1994, ORP has planted more than nine billion juvenile oysters on sanctuary reefs and public oyster bars.

The Oyster Recovery Partnership is under contract with the Maryland DNR to help execute Maryland's long-term oyster restoration strategy. That includes large-scale oyster planting on sanctuary reefs as well as placing shell and seed oysters on public reefs open to commercial harvest. Recycling and reusing natural oyster shells is vital to the success of these efforts.

House Bill 593 directs the Maryland DNR to pursue permits to dredge buried oyster shells from 27 existing oyster reefs. The bill mandates that shell dredged from these reefs be used solely for the purpose of rebuilding public oyster reefs identified by local County Oyster Committees and ORP's Board of Directors. Because ORP is a state contractor, we believe participating in the decision-making process about which oyster reefs are selected for enhancement presents a potential conflict of interest. Therefore, it is prudent that the ORP ask for an unfavorable report on House Bill 593 as currently written.

Thank you for the opportunity to participate in this legislative process. We look forward to continuing to work with the Maryland General Assembly on these important public policy matters.

Sincerely,

Paul Schurick  
Director of Partnerships  
Oyster Recovery Partnership

# **HB593\_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 593

**Short Title:** Maryland Department of Natural Resources – Oyster Shell Dredging – Permit Application

**Department's Position:** Letter of Information

**Explanation of Department's Position**

The Maryland Department of Natural Resources (DNR) provides the following information on HB 593.

The bill requires DNR to apply to the U.S. Army Corps of Engineers (USACE) for permits to dredge for buried oyster shell on certain oyster bars. That shell would then be moved to locations identified by county oyster committees and the Oyster Recovery Partnership's Board of Directors.

DNR notes that the application process for a permit from the USACE is lengthy and would not be completed by July 1, 2022 as required by the legislation. DNR would also need to secure a State Wetlands Permit from the Maryland Department of the Environment and get it approved by the Board of Public Works. Additionally, the legislation includes a site in the Potomac River, which would require coordination with the Potomac River Fisheries Commission (PRFC).

In the department's experience, shell dredging applications must thoroughly cover many complex topics and provide specific data, which may have to be collected for months or years prior to submitting an application. The USACE will request estimates of available shell buried in the sites, which will require core samples to be taken. We estimate that the core samples process would take approximately 2 years. In addition, an analysis of alternate shell sources or non-shell materials is needed to explain how oysters might be restored without shell dredging. Environmental impacts are also required to be discussed as part of the application which may include a formal Essential Fish Habitat review, siltation impacts, and water quality studies. Cultural impacts on the proposed dredging sites must also be assessed relative to historic shipwrecks and military unexploded ordinances. Extensive outreach and coordination with stakeholder groups is also required before the submission of the application.

DNR acknowledges that access to shell and substrate is important to the state's ability to continue its work in restoring oysters to the Chesapeake Bay; however when choosing locations for alternative shell, consideration should be given to a number of environmental factors

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

including spawning areas. Additionally, the Oyster Advisory Commission, in its final report, recommended that DNR “evaluate and develop cost effective strategies for identifying and obtaining sources of shell and substrate” and that DNR “support a Maryland-wide substrate action subcommittee of the OAC to evaluate strategies, costs, and benefits for substrate enhancement.” DNR has committed to, and is in the process of, implementing both recommendations.

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