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RECREATIONAL ANGLERS FIGHTING FOR MARYLAND'S MARINE RESOURCES

Via E-mail only to mark.belton@maryland.gov

April 1, 2015

Secretary Mark Belton
Maryland Department of Natural Resources
580 Taylor Avenue
Annapolis, MD 21401

Re: Oyster Management in Maryland

Dear Secretary Belton:

CCA Maryland and its members advocate for the health and sustainability of our marine resources and work to conserve, promote, and enhance the availability of these public resources. We fully recognize that managing our marine natural resources is no small task and that the devil is always in the details.

The public trust doctrine guides the management of our public resources, but as many know, it is our ever-evolving policies and decisions, coupled with how we decide to govern, that truly shapes our interpretation of the public trust. CCA Maryland believes in managing for an abundance of our natural resources for the benefit of all citizens. Realizing the challenges in defining abundance, we simply seek a management system that provides more than we have now. We need more grasses, more oysters, and more forage fish in order to provide more fish species such as striped bass, speckled trout, blue fish, red drum, and other targeted species for all to enjoy. It is the privilege of our citizens to be able to utilize our wonderful natural resources, and it is necessary for regulators and stakeholders to work collaboratively to conserve these resources so that they can ultimately benefit all citizens in the best way possible. Recreational fishing, recreational boating, commercial fishing, and many other uses are important economic drivers in Maryland and a healthy Chesapeake Bay with an abundance of natural resources will provide stability for our future generations.

The stated mission of the Department of Natural Resources is to secure a sustainable future for our environment, society, and economy by preserving, protecting, restoring, and enhancing the state's natural resources. CCA Maryland stands with the Department in taking that mission very seriously and seeks opportunities to assist and advise in the preservation and enhancement of our shared resources. It is often said that we do not inherit our natural resources from our ancestors, but we borrow them from our children. CCA Maryland and its members agree.

At this time, CCA Maryland is especially concerned with the state of the wild oyster resources and associated fisheries in the Chesapeake Bay. We believe that no single fishery in the Bay operates in

a vacuum and it is important to understand both the ecological and economic role of the oyster when managing the resource. We appreciate the opportunity to provide the following input to future oyster management efforts in Maryland.

A Science-based Fisheries Management Plan (FMP)

While a FMP exists for oysters, CCA Maryland believes that it is sorely lacking in science and ecological-based reference points or harvest controls based on the actual biomass of oysters available for a sustainable harvest. As you know, harvest levels and spat set are the main indicators used to manage the fishery. Between DNR, the industry, interested stakeholder groups, and our academic institutions Maryland has a great deal of knowledge about oysters but we have only recently made small steps towards proving this expertise in our management model. A properly supported and designed fisheries management plan can provide the opportunity for a sustainable fishery. We believe long term goals and targets are the only way to establish a sustainable fishery for Maryland's wild oyster bars. Oysters are a public resource, and we support an approach that considers the full spectrum of benefits they provide the greater ecosystem including recognition of the essential role they play in providing habitat and water filtration benefits.

Continued Investment In and Protection of Sanctuaries

It is widely recognized that the expansion of the sanctuary program was one of the biggest steps in Maryland's history towards acknowledging the ecological role of the oyster. By setting aside oyster bottom and making large investments in the restoration of sanctuary areas, we are now gaining a better understanding of what is possible in oyster restoration. Management of Maryland's oysters has previously been based on the assessment of when they are big enough to harvest and the concern for the impacts of disease. Since there is a grave concern about water quality by all Marylanders, it is important that we maintain our sanctuaries and work to maximize their ability to filter the waters of the Bay. We believe that the restoration efforts being made in sanctuaries are the most effective way to increase the nutrient filtering capabilities, and fully support studies to better understand and promote this important role of the mighty Chesapeake oyster.

Disease is a very real and concerning problem for oyster populations. Disease resistance has occurred in some portions of the lower Chesapeake Bay, and maintaining our sanctuaries in their natural state without the stress of disturbance and harvest will provide scientists with the best opportunity for understanding what is happening in Maryland's waters. Sanctuaries also act as brood stock for surrounding areas. Density is important for oyster breeding success, and the undisturbed densities that occur in sanctuaries allow for a higher probability of natural spawning success. Studies show that older and larger oysters have higher spawning potential, and sanctuaries provide the best opportunity for Maryland to increase the abundance of large oysters. Once oyster spawning occurs larvae travel through the water column and ride the tides until finding a suitable place to stake their claim and start their sedentary life. Through a better understanding of larval movement and tidal flows, we can maximize the reproductive capability of the sanctuary brood stock, better understand the impacts of disease, and develop strategies to provide for high natural spawning potential. Maryland's long-term

management goals can and should maximize the benefit that sanctuaries provide to both the ecosystem and wild oyster fishery.

Power Dredging

It is a widely shared belief within the oyster industry that power dredging benefits oyster bars by cleaning the bottom and turning over the existing shell and oysters to remove silt. Unfortunately, the story isn't as simple as some make it seem. Recent research into power dredging on oyster bars in the Upper Bay has revealed no benefit to the practice. CCA Maryland has grave concerns about the increase in power dredging which has occurred in recent years. According to DNR records, in 2000 there were nineteen boats power dredging in the Chesapeake Bay. In 2015, there are 800. When power dredging was widely expanded it was done so to help an industry that was dealing with record low harvest levels. No one would argue that dredging is an efficient way to harvest oysters, but the expansion of power dredging disregards one of the primary needs of the Chesapeake ecosystem three-dimensional structure. In a natural setting, oysters grow vertically or on vertical surfaces under the water. Much like the trees in a forest grow upward toward the sunlight, oysters thrive when they grow in vertical structures and water flows around them. By dredging our oyster bars flat we've forced ourselves into a vicious cycle. The oysters are left to lay on the bottom where they are covered by sediment, and then must be dredged again to be harvested. Three-dimensional oyster bars provide the necessary structural habitat for thousands of aquatic organisms that the Bay ecosystem needs to thrive. In a time where high nutrient loads and sediment plague the Bay and its rivers, dredging is seen as a solution to removing sediment from oyster bars. Yet the reality is that oyster dredging in locations in the Bay that do not naturally support the rapid growth of oysters to sufficiently overcome that aggressive harvest pressure is one of the major causes why oysters are so susceptible to being smothered by sediment.

Dredging itself disturbs and rakes the bottom of the Bay. The idea that dredging causes clean bars is a one-step-forward two-steps-back type of approach. Obviously, the industry prefers dredging because it is a very effective way to cover a lot of ground in harvesting oysters. The need for power dredging as an available gear type also points to the lack of viable oyster density that exists in the Bay today. CCA Maryland believes it is crucial that managers better quantify the impacts of dredging. We call for Bay-wide studies to determine what harvest technique is best for individual regions and specific bars and believe all stakeholders should work towards a sustainable oyster fishery in Maryland. If we truly want a healthier Chesapeake Bay with a viable wild-oyster population, we must make decisions based on sound science and not by random observations and conjecture.

Surveys, Studies, and Cooperative Research

Any forward-thinking and sustainable oyster management plan must be based on the assessment of what we have today and a look forward to what we want for tomorrow. We recognize the value of a public oyster fishery, but believe the roles of sanctuaries, science-based sustainable harvest targets, and other ecological considerations must be weighed and factored in any such plan with the economic needs of those that participate in the fishery.

While the Maryland Bay Bottom Survey has been a suitable and comprehensive baseline for management in the past, investment in a more accurate and modern survey of viable bottom should be part of any future plans. Fisheries staff currently survey known areas for spat set, and the commercial industry is well aware of where harvestable oysters exist. Unfortunately, we are seriously lacking a strong baseline survey that could allow us to understand where future investments for a sustainable fishery should be made. Since funding is short, we must maximize our “bang for the buck” with any future replenishment or restoration efforts. By coupling regional gear use studies with the knowledge of what is available on particular bars and in particular regions, goals can be set and decisions can be made about the level of acceptable harvest in any specific area. Simply opening a season and setting bushel limits based on recent harvest data is an ineffective method of management both for the ecosystem and for the industry. CCA Maryland believes that a plan that incorporates historical data and gathers better current data about the status of our oyster bars is a necessary first step. As with all plans, the intent and vision of various user groups will vary as will opinions about acceptable bottom, densities, and potentials. We believe these standards should be defined by the best available science of the day with the needs of the ecosystem and industry taken into account.

In any fisheries management system, a plan is only as good as the data collected along with the intent and activity of those who participate in the fisheries. Harvest reporting stands as one of the most critical issues to scientists and managers who direct a fishery. Maryland's oyster fishery began in a time when the resource seemed to have no end. Unfortunately, those days are gone. Given the technology we have today, and the depleted levels of the fishery, it is imperative that a timely and accurate reporting system is created for our oyster fishery. Without accurate and timely reporting, the oyster fishery will never reach a sustainable level, and flexibility for our harvesters cannot be achieved.

DNR, the oyster industry, recreational fishermen, and other stakeholder groups all have a great deal of information which can add to the conversation of proper oyster management in the future for Maryland's portion of the Chesapeake Bay. Cooperation, instead of confrontation, is the only way that a sustainable fishery can be achieved. Cooperative fisheries management has been shown to be very successful and given current technology and communication capabilities, we have the ability to achieve management plans that take the needs of all stakeholder groups into consideration. Fisheries decisions must not happen in a vacuum but rather through communication and dialog so managers can make the best decisions possible. When greater transparency exists and all interests are given an opportunity to provide input, stakeholders are more likely to feel included and, as a result, share the responsibility for the success or failure of collective efforts. We urge the Department to implement a cooperative system where all stakeholders can contribute to management discussions proactively instead of forcing players to jockey in the General Assembly each year.

Aquaculture

Given the reduced population of wild oysters in the Chesapeake Bay, aquaculture has the greatest potential for developing a reliable, sustainable, and expandable oyster industry. Oyster farming provides the ecological benefits that come from a larger oyster population in the water and will provide an added economic benefit for Maryland. Aquaculturists provide a quality Chesapeake oyster for the market year round and their products are not reliant upon the variable cycles of natural oyster reproduction. The permitting and leasing processes has improved in recent years and efforts should

continue to provide a streamlined yet thorough approval process. User conflict complaints must be carefully adjudicated to be certain they are legitimate and not efforts to obstruct leasing sites. Without positive changes in these areas Maryland will continue to lag behind our neighbors to the south.

Transparency in the Public Funding of Oyster Management

Currently, 10% of the Fisheries Service (FS) revenue comes from a reimbursable fund grant from the Maryland Department of Transportation/Maryland Port Authority (MDOT/MPA) as mitigation for shipping channel dredging and transportation-related environmental impacts on the Bay. In FY2016 this grant is budgeted as \$2.4 million dollars. At this time, FS does not have the ready authority to use those funds where best needed for oyster management since the use of the grant is mandated by MPA and the oyster industry through an Annual Work Plan negotiated with FS. Currently, half of the grant funds are directed to the County Oyster Committees. There are many stakeholders with an interest in both oyster restoration and the health of the Chesapeake Bay that do not have a seat at the table to determine the best use of these funds. CCA Maryland believes that these funds should be used in a balanced way, and appropriated through a transparent process that can promote the ecological needs of the Bay as well as the needs of sustainable commercial oyster fisheries.

Fossil Shell Dredging and Repletion

CCA Maryland applauds efforts toward the restoration of substrate on our native oyster reefs as adopted in Maryland's Oyster Restoration and Aquaculture Plan of 2010. We believe reef restoration has the potential to further increase spawning adult oysters and, in turn, larval production. The State of Maryland is making significant gains toward large-scale recovery efforts that leverage the combined resources and expertise of our federal, state and private partners. Restoration efforts at Harris Creek and in the Little Choptank sanctuaries are prime examples of the progress that can be made.

What we cannot support is the dredging of shell deposits to act as substrate for a put-and-take oyster fishery. The highly controversial proposal to dredge Man-Of-War Shoal should not be a part of any future plan for oyster restoration in Maryland. Man-Of-War shoal is a very important Upper Bay fishing location, and many Upper Bay stakeholder groups stand together in opposition of proposals to dredge shell deposits on the shoal. The dredging of Man-Of-War shoal is not a viable solution to the problems that exist with shell shortages, and any future plans to advance the dredging of material there will be met with strong opposition. Without a clear demonstration and legally binding commitment that the greater goal of restoring oyster populations Bay-wide would be served by such a severe and drastic action, CCA Maryland cannot support or condone the dredging of fossil shell in the Bay.

Conclusion

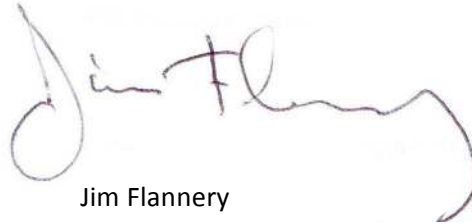
CCA Maryland has enjoyed a respectful and collaborative relationship with the Department of Natural Resources in the past and looks forward to continuing this spirit of cooperation with the Hogan administration. We hold a sincere appreciation for the complexity of managing our shared public resources given the varied and frequently discordant stakeholder influences in our great state. Our

pledge to you is that while we may not always agree, our organization will communicate with a spirit of courtesy and respect. Thank you for taking the time to consider our position on this critical issue. The oysters in the Chesapeake Bay belong to all citizens of Maryland and not just the commercial industry. We look forward to working with the Department and our fellow stakeholders to make management improvements that will preserve, protect, restore, and enhance this critical natural resource.

Respectfully,

A handwritten signature in black ink, appearing to read 'DS'.

David Sikorski
Chair, Government Relations Committee

A handwritten signature in black ink, appearing to read 'Jim Flannery'.

Jim Flannery
Chairman

A handwritten signature in blue ink, appearing to read 'Tony Friedrich'.

Tony Friedrich
Executive Director

cc: Frank Dawson
Dave Goshorn
Thomas J. O'Connell