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Boyd Rutherford, Lt. Governor
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Members of the Oyster Advisory Commission (OAC);

First, thank you for your commitment to be a part of this commission and for the hard work and effort to which you've volunteered. This is important work. Your recommendations will impact the livelihood of thousands of Marylanders who make their living from the bounty of Chesapeake Bay as well as continue to make positive progress in meeting Maryland's obligations to achieve Chesapeake Bay Agreement goals. I've designated Mr. Scott Egleseder and Ms. Kelley Cox as OAC Co-Chairs to facilitate the group's discussions.

In 2010, the Maryland Department of Natural Resources (DNR) overhauled regulations for the management of the oyster resource in the Maryland portion of Chesapeake Bay. The regulations expanded the scale of oyster sanctuaries, created new opportunities for oyster aquaculture, and designated areas to be maintained for the public fishery. DNR committed to reviewing the effectiveness of sanctuary locations, public shellfish fishery areas, and aquaculture areas every five years and to propose changes where needed. The purpose of the OAC is to accomplish exactly that.

Specifically, I am asking the OAC to perform three priority tasks:

- 1) In December 2015, DNR requested a delay of scheduled work by the United States Army Corps of Engineers (USACE) in the Tred Avon River that would have placed mixed shell on approximately eight acres of river bottom as part of an effort to restore the Tred Avon to historic oyster population levels. The delay was requested to provide opportunity for the OAC to review information and make a determination as to whether or not data suggested the USACE work should continue as planned or be revised in some way for improved results. USACE agreed to the delay.


Maryland is committed to restore five tributaries to historical oyster population levels by 2025 per the Chesapeake Bay Agreement. Tred Avon is one of three Maryland tributaries (along with Harris Creek and the Little Choptank) identified thus far for this restoration effort. Due to necessary environmental work timing restrictions, the USACE procurement timeline, and the Department of Defense (DoD) budget process, a recommendation on this task is requested prior to August 5, 2016.

- 2) Since Maryland has thus far identified and commenced work in three of five tributaries slated for historical levels of oyster restoration, the OAC's second task is to review the five year status report and make a recommendation as to which tributaries are best suited to be identified as the fourth and fifth to meet our Chesapeake Bay Agreement goal. As you deliberate on this question, please consider the following:

- In that restoration work is expensive and future federal and state budget commitments cannot be guaranteed, discussion on this task should include recommending tributaries where data suggests restoration could be successful with minimal taxpayer expense.
 - Given that the three tributaries already identified for oyster restoration work are in close proximity (the Choptank Complex), consideration should be given to identify further tributaries for restoration in other areas of the state so as not to disproportionately impact Maryland's mid-Shore area.
- 3) The OAC's third task is to recommend changes, based on available data and options identified in the five-year report, to oyster sanctuaries and public fishery areas using the following principles:
- Given the relatively long life of the local oyster and the dynamic habitat of Chesapeake Bay, five years is insufficient time to determine substantial or durable change to oyster populations in any given area.
 - As identified in the Programmatic Environmental Impact Statement (EIS), 20 to 30 percent of viable oyster bottom should be maintained in a sanctuary status. Currently, sanctuaries comprise more than 24 percent of oyster bottom.
 - Oyster sanctuaries should be geographically distributed throughout Maryland's portion of Chesapeake Bay to cover a range of salinity zones for research purposes.
 - Ease of enforcement should be taken into consideration when identifying both oyster sanctuary and public fishery areas.
 - Fiscal responsibility is an important consideration.

Lastly, I want to reemphasize the dual goals of both restoring oysters for their ecological services and enhancing the commercial fishery for its economic and cultural benefits to the Chesapeake Bay region. Both are important.

Once again, thank you for agreeing to be a part of this commission. DNR staff will be available to prepare information and presentations as you feel necessary. I'm very much looking forward to the results of your work.


Mark Belton