

Meeting Summary
Oyster Advisory Commission (OAC) Meeting
Maryland Department of Natural Resources (DNR)
Calvary Baptist Church, Annapolis, MD
(6:00 PM – 9:30 PM)
November 14, 2016

LIST OF ATTENDEES

Commissioners Present:

Kelley Cox (Co-Chair)	Phillips Wharf Environmental Center (PWEC)
Scott Eglseder (Co-Chair)	Eglseder Wealth Management Group, Inc.
J.D. Blackwell	38° North Oysters
Don Boesch	University of Maryland Center for Environmental Science (UMCES)
Robert T. Brown	Maryland Watermen’s Association
Kelton Clark	Morgan State University (MSU)
Ron Fithian	Kent County Commissioners
Bill Goldsborough	Chesapeake Bay Foundation (CBF)
Jeff Harrison	Talbot County Watermen’s Association
Steve Hershey	State Senator
Bill Kilinski	Charles County Watermen’s Association
Doug Legum	Douglas Legum Development Inc.
Ken Lewis	Coastal Conservation Association (CCA)
Jim Mathias	State Senator
Johnny Mautz	State Delegate
Jim Mullin	Maryland Oystermen’s Association (MOA)
Ben Parks	Maryland Watermen, Dorchester County
Deborah Rey	State Delegate
Peyton Robertson	National Oceanic and Atmospheric Administration (NOAA) Chesapeake Bay Office
Eric Schott	University of Maryland Center for Environmental Science (UMCES)
Angie Sowers	U.S. Army Corps of Engineers (USACE), Baltimore District
Ann Swanson	Chesapeake Bay Commission
Aubrey Vincent	Lindy Seafood

Commissioners Unable to Attend:

Jason Schmidt	Talbot County Seafood Heritage Association
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Other Meeting Attendees Present:

Calvert County Oyster Committee: Ms. Rachel Dean, Mr. Simon Dean

Chesapeake Bay Commercial Fishermen's Association: Mr. Larry Powley, Mr. Bobby Whaples

Chesapeake Bay Foundation (CBF): Ms. Ann Attanasio

Chesapeake Bay Savers: Mr. Tyler Bennett, Ms. Marisa Sames

Chesapeake Beach Oyster Cultivation Society (CBOCS): Ms. Lani Hummel

Chester River Association: Ms. Isabel Hardesty (Riverkeeper), Ms. Emily Harris

Citizen: Mr. Charles Dent, Ms. Amy Hedges, Ms. Jennifer Herzog, Ms. Rachel Lemberg, Mr. Doug Myers, Mr. John Rodenhavsen, Mr. Dan Watson, Mr. John Page Williams

Clean Chesapeake Coalition: Mr. Tony Bradshaw

Congressman Andy Harris' Office: Ms. Denise Lovelady

Coastal Conservation Association (CCA): Mr. Larry Jennings

Delmarva Fisheries Association Inc.: Capt. Robert Newberry

Dorchester County: Mr. Jim Palm, Mr. Scott Todd

Maginnes Productions: Mr. David Maginnes

Maryland Department of Natural Resources (DNR): Ms. Jodi Baxter, Secretary Mark Belton, Mr. Dave Blazer, Mr. George O'Donnell, Mr. Chris Judy, Mr. Stephen Schatz

Maryland Environmental Service (MES): Ms. Maggie Cavey

Maryland Grow Oysters (MGO): Mr. Bob Whitcomb

Maryland League of Conservation Voters: Mr. Ben Alexandro

Midshore Riverkeeper Conservancy: Mr. Matt Pluta

Oyster Recovery Partnership (ORP): Mr. Stephen Abel, Ms. Kelly Barnes, Mr. Ward Slacum

Phillips Wharf Environmental Center (PWEC): Ms. Carol McCollough

Potomac Riverkeeper Network: Mr. Nick Kuttner

Senator Steve Hershey's Office: Ms. Erika Howard

Somerset County: Mr. Greg Price

St. Mary's River Watershed Association: Mr. Joe Anderson, Mr. Bob Lewis

Talbot Watermen: Ms. Greg Key

Queen Anne's Watermen Association: Mr. Troy Wilkins

Handouts:

- Meeting Agenda
- October 17, 2016 Draft Meeting Summary
- Commissioner requested information from the EIS - Rationale for Maryland's Oyster Sanctuary Range of 20-30%.
- Table - Commissioner requested information regarding percent of sanctuary that falls within each county - Chart provided.
- Presentation – County Oyster Committees: Proposals to Change to the Current Oyster Management Areas
- Proposals from the County Oyster Committees - Calvert, Charles, Dorchester (x2), Kent, Queen Anne's, Somerset, St. Mary's, Talbot (x3), and Wicomico.
- Example of the proposal worksheet that was provided to environmental groups

Note: Meeting agendas, handouts, and approved meeting summaries will be available on the OAC webpage: <http://dnrweb.dnr.state.md.us/fisheries/management/?com=oac&page=meetings>

Action Items:

- Mr. Robertson, NOAA, will identify information regarding the critical habitats of the Atlantic sturgeon that may be made available on the OAC website (or identify a person to come to the December meeting to field the Commission and public's questions regarding the critical habitats of the Atlantic sturgeon).

DNR will -

- Contact Dr. Mark W. Luckenbach of the Virginia Institute of Marine Science (VIMS) and invite him to speak at a future OAC meeting. [Completed – Dr Luckenbach is unable to attend the 12/12/16 OAC meeting is is able to attend the 1/9/17 meeting]
- Develop and provide a matrix of information pertaining to the sanctuary proposals provided by the County Oyster Committees. Information will include but not be limited to the following information:
 - Identification of actions required to enact the proposals: public notice, regulation, legislation other;
 - Identification of funding sources for each County Oyster Committee's proposed changes;
 - Acreage for each of the individual sites being discussed in the County Oyster Committee's proposals; and
 - Identification of areas discussed in the County Oyster Committee's proposals that have received federal funding or the services of Maryland Grows Oyster (MGO) to restore oyster habitat.
- Provide a historic summary of gear types used in the areas discussed in the Calvert County Oyster Committee's proposal (per Ms. Vincent's request).
- Provide a review of the Little Choptank Native Oyster Restoration Master Plan (tributary plan) that identifies the funding that has already been expended for oyster restoration in the tributaries as well as all the funding that is planned to be expended for oyster restoration efforts in the future (per the request of Senator Hershey, Ms. Sowers, and Mr. Robertson). [Completed – posted online on the OAC website]
- Clearly show on the maps that were provided by the County Oyster Committees the oyster sanctuary areas that are proposed for reversion back to public oyster harvest areas (per Mr. Boesch's request).
- Clarify why some County Oyster Committees are proposing that areas within the middle of oyster sanctuaries be designated as public oyster harvest areas when it is apparent that the location of these harvest areas would make it difficult to enforce oyster harvest regulations and provide protection for these sanctuaries (per Ms. Swanson's request).
- Identify if research projects would be impacted if the changes to the current Oyster Management Areas proposed by the Talbot County Oyster Committee (Cook Point Sanctuary) were to be pursued (per Delegate Rey's request).

- Host an additional meeting for Commissioners that wish to have a more thorough briefing on the 5-Year Oyster Report.

MEETING SUMMARY:

Welcome and Introductions

(Kelley Cox, Co-chair)

The Commissioners introduced themselves.

Meeting Summary Approval

(Kelley Cox, Co-chair)

Mr. Lewis made a motion to approve the October 17 meeting summary at the December 12 meeting as the Commissioners had not received the summary with enough time to review. Mr. Clark seconded the motion and it was approved by the Commissioners.

Mr. Fithian requested that the November meeting summary clearly state that Mr. Wesson indicated during the October 17 meeting that Virginia cannot provide enough work in Virginia for the shell dredging contractor and his dredge. Mr. Fithian explained that Mr. Wesson is concerned that if Maryland does not provide more work for the dredging equipment that the equipment will no longer be maintained and both Maryland and Virginia's public oyster bars will suffer because of this.

Opening Remarks

(Secretary Mark Belton, DNR)

The issues and tasks that the Commission has discussed to date are starting to come together. The Commission has been discussing large topics and receiving a lot of information but following the December meeting, it is anticipated that the Commission's course of action will become much clearer. Secretary Belton reminded the Commission that they had discussed options for the 4th and 5th tributaries at the October meeting and would be discussing the County Oyster Committee's proposals at this meeting. He noted that the Commission would be discussing Man-O-War Shoal shell dredging permit at the December 12 meeting (to take place after DNR's meeting with the United States Army Corps of Engineers (USACE) on November 22).

The Commission will also be discussing the Oyster Sustainability Project at the December meeting. During the past legislative session it was mandated that a stock assessment be conducted and biological reference points developed for the management of the public oyster fishery and that progress reports be provided to the General Assembly. The first progress report which lays out the Oyster Sustainability Project plan, will be delivered to the General Assembly by December 1st.

Update on Man-O-War Shell Dredging Permit

(Chris Judy, DNR)

At the December 12 OAC meeting, DNR will report on results from the November 22nd meeting with the federal resource agencies (USACE, National Marine Fisheries Service (NMFS), Environmental Protection Agency (EPA)), regarding the shell dredging permit.

The following overview was provided to the OAC: The Federal agencies, through the USACE, provided DNR with a thorough list of questions about the permit. DNR responded in early August 2016. Mr. Judy explained that of the 41 issues/ questions posed to DNR, 7 came directly

from USACE, 25 came from NMFS concerning a number of environmental issues, and 9 came from EPA which largely echoed the NMFS concerns. DNR responded to each issue/question, however some of the responses were deemed insufficient by the USACE. Mr. Judy explained this was because some of the information the federal agencies requested does not currently exist and won't exist until dredging occurs. USACE also asked DNR to justify the overall project, explaining why shell was needed and why alternative substrates weren't sufficient. Mr. Judy noted this information was provided in the DNR response.

Secretary Belton noted that Congressman Harris sent a letter inquiring about the status of the permit and that the USACE replied that DNR's response was incomplete. Secretary Belton explained that some of the specific information the federal agencies requested was not currently available. DNR did not receive a letter from USACE about their response. DNR was simply informed via a phone call they had not provided enough information to address the federal concerns.

- Mr. Fithian and Mr. Harrison noted that Maryland had possessed a permit for shell dredging for 46 years and several studies have been done to evaluate silt issues and potential marine habitat issues associated with shell dredging. They asked why the federal agencies are not accepting the data from the studies as sufficient background information.
 - Secretary Belton and Mr. Judy explained that DNR had provided the past studies to USACE and that the November 22 meeting would allow DNR to determine why these studies are not sufficient and what other information is needed.
- Senator Hershey asked about NMFS and their role in the permit approval process.
 - Mr. Robertson explained that NMFS is a federal agency that falls under the National Oceanic and Atmospheric Administration (NOAA). He explained that although he had not participated in drafting the questions that came from NMFS, he is aware of their concerns which include impacts to fish habitat and potential impacts to specific spawning areas. Mr. Robertson offered to identify the appropriate NOAA/NMFS personnel and said that he would ask them to attend the next OAC meeting so that they can answer the Commissioners questions.
- Mr. Boesch noted that at the October OAC meeting Mr. Lewis had stated there is strong public opposition to shell dredging at Man-O-War Shoal. He asked if DNR had listened to and addressed the concerns posed by those who are opposing the permit.
 - Mr. Judy stated that all of the 41 issues and questions that the USACE had posed to DNR originate from both agency and public input. The questions along with DNR's response have been placed on the website for the Commissioners and the public to review.
- Ms. Swanson told the Commissioners that the Chesapeake Bay Commission had recently been provided with a very informative presentation on oysters by Dr. Mark W. Luckenbach of the Virginia Institute of Marine Science (VIMS). She indicated that she believes that the OAC would also benefit from hearing Mr. Luckenbach's presentation and requested that he be invited to present at a future OAC meeting.

Proposals from the County Oyster Committees

(Jodi Baxter, DNR)

Presentation: County Oyster Committee Proposals - Proposed Changes to the Current Oyster Management Areas

DNR met with the chairs of the County Oyster Committees on September 24th. The meeting was in response to the OAC's request that DNR ask the County Oyster Committees to provide input and proposals on what changes they would like the State to consider for the Oyster Management Areas. DNR supplied a "worksheet" to guide the development of the County Oyster Committees proposals.

Secretary Belton noted that the proposals provide the Commission with a unique perspective on what the watermen would like to consider for an oyster management program. The proposals are conceptual and have not yet been vetted or reviewed by DNR. DNR takes no stance on the submitted proposals and the Commission is not making formal recommendations at this time. Ms. Cox requested that the Commissioners avoid discussing details and limit their comments to requests for additional information. She encouraged the Commissioners to review the proposals and consult with their stakeholders so that they are prepared to develop formal recommendations at a later meeting.

- Mr. Clark asked if Commissioners could contact Mr. Judy regarding information that they need and with additional questions.
 - Mr. Judy encouraged the Commissioners to ask questions during the presentation and he indicated that they could email him with additional questions as well. He indicated that he would contact the County Oyster Committees for answers to questions that DNR is unable to answer.

Ms. Baxter presented an overview of the proposals that had been submitted to DNR by the County Oyster Committees (from Calvert, Charles, Dorchester, Kent, Queen Anne's, Somerset, St. Mary's, Talbot, and Wicomico). DNR also provided some background information from the 5 Year Report on the proposed Oyster Management Areas.

- Mr. Boesch clarified that the Tier system that was developed when they evaluated the tributaries for their potential to support large-scale oyster restoration applies to both sanctuary and public bottom areas. (The text below refers to Tiers set up by USACE when developing the restoration plan – these are not DNR's suggested tiers in the 5 Year Report)
(Note: "Tier 1 tributaries are the highest priority tributaries that demonstrate the historical, physical, and biological attributes necessary to provide the highest potential to develop self-sustaining populations of oysters. The remainder of the tributaries and mainstem Bay segments are classified as Tier 2 tributaries." –from Chesapeake Bay Oyster Recovery: Native Oyster Restoration Master Plan, Maryland and Virginia)

Proposal submitted by the Charles County Oyster Committee:

- Secretary Belton asked Mr. Kilinski if the Charles and St. Mary's County Oyster Committees had been communicating regarding combining their efforts through their oyster management proposals.

- Mr. Kilinski agreed that the Charles and St. Mary's County Oyster Committees would be working together since some of the areas the Charles County Oyster Committee had suggested for rotational harvest fall within St. Mary's County Oyster Committee's area. He noted that Charles and St. Mary's County Oyster Committees have worked together in the past to pool funding provided by MDOT to seed areas that fall in both counties.
- Mr. Brown and Mr. Legum noted that the Charles County Oyster Committee proposes rotational harvest/planting as an oyster management tool and that the bars that the Charles County Oyster Committee proposes to place in rotational harvest are currently open for public harvest (are not sanctuary bottom).
- Ms. Swanson commended the stewardship of the proposal and stated that the proposal seemed like a reasonable request.
- Senator Hershey asked if it would be possible to approve some of the County Oyster Committee proposals quickly and he asked that DNR identify proposals that could be enacted quickly and without legislative change.
 - Secretary Belton and Mr. Judy explained that some proposals could be enacted quickly with just public notice but some would require legislative change which would have to be proposed during the next legislative session. The Charles County Oyster Committee proposal could be enacted quickly because the Committee is just proposing a change in the management approach and is not proposing changing areas from sanctuary to public bottom.
- Mr. Boesch asked DNR to provide the Commission with information about the funding sources that the Oyster Committees plan to use in order to carry out their proposals.

Proposal submitted by the Calvert County Oyster Committee:

- Mr. Legum noted that the Calvert County Oyster Committee's proposal states that the County Committee would invest 15% of annual MDOT funds, oyster surcharge funds, and bushel tax on Holland Bar toward seed and shell planting. Mr. Legum expressed concern that more funding would be needed than the 15% provided by the County Committee. Mr. Legum asked the State to consider providing funding to ensure the success of the proposals that the counties are submitting.
 - Ms. Dean explained that the 15% of funds provided by the County Oyster Committee was a minimum and that more may be contributed by the Committee depending on available funding.
- Ms. Vincent noted that several Commissioners had expressed concern that the Oyster Committees do not always have enough funding to manage the oyster harvest areas and practices that they are proposing. She encouraged the Commissioners not to compartmentalize the proposals as not all counties have the same bargaining chips (funding levels for example).

- Mr. Boesch asked if the areas included in the proposal were to be harvested on a rotational basis or whether they would be harvested annually. He noted that the proposal does not include tradeoffs to compensate for the loss of oyster sanctuary area; the Committee is proposing that 268 acres of sanctuary be converted to public fishery but no acres be added to the sanctuary area to compensate for this loss.
 - Ms. Dean replied that the proposed Holland bar area would be harvested annually by hand tong equipment.
 - Mr. Brown explained that tradeoffs are not proposed because the watermen lost hand tong harvest area when the sanctuary was created. He noted that the State is not spending funding to improve these areas that are now in sanctuary, however the County Oyster Committee is willing to spend their available funding to seed and shell the area.
 - Secretary Belton reminded the Commissioners that these proposals are still in the initial phases of development and that the proposals could change and more funding could become available.
- Ms. Sowers requested that a list of acreage for each of the individual sites being discussed in the County Oyster Committee proposals be presented by DNR at a future meeting.
- Ms. Vincent requested that DNR provide the Commission with a history of gear types used in the areas presented by the Calvert County Oyster Committee in their proposal.

Proposal submitted by the Dorchester County Oyster Committee:

- Secretary Belton noted that the first Dorchester proposal (Sandy Hill bar in Sandy Hill Sanctuary) requests that 83 acres of oyster sanctuary area be converted back to public bottom. He asked if the 83 acres would be managed as a rotational harvest area.
 - Mr. Parks was not able to clarify if the 83 acres would be placed in rotational harvest as he was not in attendance at the meeting where the proposal was drafted.
 - Ms. Baxter stated that she would seek confirmation that the Committee is proposing to manage the 83 acres as a rotational harvest area
- Delegate Rey asked if the oyster habitat sanctuary area (Sandy Hill bar) had received state funding for oyster restoration in the past.
 - Secretary Belton stated the area had not received any state funding.
- Mr. Boesch asked that DNR provide the location of the oyster habitat sanctuaries on the proposal maps since it is not clear where the Committees are proposing that sanctuaries be converted to harvest areas or how much sanctuary area is being proposed for conversion to harvest areas.
- Mr. Schott expressed concern that if parts of oyster habitat sanctuaries are converted to harvest areas then it would be very difficult for DNR to enforce regulations to protect the

sanctuary areas that remain. Mr. Schott noted that oysters are important from an economic stand point but he reminded the Commissioners that oysters are also important because of the habitat that they create and the ecological services they provide to the Chesapeake Bay.

- Mr. Parks stated that the area proposed for conversion from sanctuary to harvest area in the Dorchester County Oyster Committee had been planted with County Oyster Committee funding in the past prior to being designated as a sanctuary and the County Oyster Committee was never able to see the benefits of their planting efforts and the funding that they had expended.
- Ms. Vincent expressed the opinion that if an area is available for lease it should also be available for public fishery use.
 - Mr. Goldsborough explained that it is difficult to enforce oyster fishing regulations in areas that are not clearly marked especially when the area is open to harvest by the public. He stated that sanctuaries are normally established by distinct geographical markers which help with enforcement.
 - Mr. Goldsborough stated that if areas in the middle of a sanctuary revert back to public fishery, enforcement becomes difficult. He noted that even if areas are managed as rotational harvest areas on a three year period of harvest, they act only as temporary sanctuaries for a few years before they are harvested again. When oysters are removed from the rotational harvest area every three years, the removal of oysters removes the habitat that they provide which reduces the ecological services the oysters provide and stops the area from developing into a more complex habitat.
- Ms. Swanson requested that DNR ask the Committee to clarify why the Sandy Hill bar in the Sandy Hill Sanctuary was being proposed for conversion, when it is located in the middle of the sanctuary where enforcement could be difficult.
- Mr. Schott asked Mr. Parks if the County Oyster Committee funding spent to plant the area in Dorchester County was for the purpose of restoration or harvest.
 - Mr. Parks stated that the area was planted with the intention of being harvested.
- Mr. Brown stated that as the reefs grow and mortality increases there are increases in disease. He stated that he believes that the conversion of sanctuary areas to harvest areas will allow the market oysters to be removed and will thereby decrease natural mortality and this in turn will decrease the prevalence of oyster disease.
- Mr. Harrison suggested that a percentage of funding spent in sanctuary areas by DNR be put toward jump starting the County Oyster Committee proposals.
- Delegate Rey asked for clarification regarding whether it would be legal to convert oyster sanctuary areas to harvest areas within sanctuaries where federal oyster habitat restoration funding has been spent in the past.

- Secretary Belton stated that NOAA has contributed funds to the restoration of oysters in the Little Choptank River and the State has also invested restoration funds in this tributary.
- Mr. Brown noted that the areas discussed in the second Dorchester proposal (Little Choptank Sanctuary) seem to be the creeks that feed the sanctuary but are not located within the main body of the sanctuary.
 - Mr. Boesch stated that the tributary areas in the proposal are part of the large scale restoration plan area and is one of the 5 tributaries to be restored by 2025 as part of the Chesapeake Bay Watershed Agreement.
- Mr. Clark asked DNR to provide the Commissioners with information on the areas proposed in the Oyster Committee proposals that have received federal funding or Maryland Grows Oyster (MGO) services in the past and therefore cannot be converted to from oyster habitat restoration sanctuaries to harvest areas.
- Mr. Robertson encouraged the Commissioners to look closely at the Little Choptank Native Oyster Restoration Master Plan for where oyster restoration sanctuaries in Maryland are planned and could be most effective. He suggested that the Commissioners should not just look at where money has been spent in the past, but also look at where oyster restoration funds are planned to be spent in the future.
- Ms. Sowers requested that DNR provide the Commissioners with a handout with information from the Little Choptank Native Oyster Restoration Master Plan that does not just provide information on the sanctuary areas that have received federal funding or Maryland Grows Oyster (MGO) services, but that also provides a review of the locations of the sanctuaries that are slated for funding since some of the designated oyster restoration sanctuaries have not yet been restored using available funding although funding has been set aside for future work.
- Delegate Mautz asked if Mr. Robertson was suggesting that new areas should be designated as oyster sanctuary in order to make up for the conversion of existing oyster sanctuary areas to public harvest areas. He also asked if the second Dorchester County Oyster Committee proposal (Little Choptank Sanctuary) included a plan for rotational harvest management.
 - Mr. Robertson explained that it is more than recuperating the lost sanctuary area as the sanctuaries were selected for a reason and the borders of the sanctuaries were selected based on science. Mr. Robertson also asked the Commissioners to consider the effect of removing parts of the sanctuaries and how that could affect other factors such as oyster reproduction and growth (recruitment).
 - Ms. Baxter stated that the Oyster Committee had not specified whether they planned to use rotational harvest management.
- Mr. Goldsborough asked about the process that DNR was going to follow in order to convert existing oyster sanctuaries into harvest areas (delisting of sanctuaries).

- Secretary Belton stated that closer evaluation is needed.
- Senator Hershey asked for confirmation that DNR would provide the Commissioners with the Little Choptank Native Oyster Restoration Master Plan and information including the locations where federal oyster restoration funding had been used to restore oyster habitat in sanctuaries in the past as well as what funding is available and planned to be used in the future for oyster sanctuary habitat restoration.
- Mr. Brown stated that the Tier system (presented in the Native Oyster Restoration Master Plan (tributary plan)) is irrelevant without study. He stressed that it is important to remove older oysters from oyster bars in order to control disease.
- Secretary Belton noted that the Tier system for evaluating the potential of tributaries to support large-scale oyster restoration had been explained at a past meeting. He reminded the Commissioners that DNR had offered a special meeting to thoroughly review the 5 Year Report. Secretary Belton stated that another meeting could be arranged and several Commissioners expressed interest.
- Mr. Boesch stated that in regards to the 5 Year Report, it is apparent that delisting of Tier 1 sanctuaries is not an option. He stressed that it is very important to the recovery of natural oyster reproduction that sanctuary areas that are recovering or that are slated for restoration funding not be opened to oyster harvest.
- Mr. Kilinski stated that some areas converted to sanctuary were already self-sustaining prior to being designated as a sanctuary. A majority of the proposals are proposing that only parts of sanctuaries revert to the public fishery and that the small acreage they are requesting is minor in comparison to the acreage considered in Maryland as a whole.
- Mr. Fithian stated that although funding is important, the Commissioners should remember the overall goal of bringing back the oyster populations.
- Mr. Schott stated that he believes that in some cases the sanctuary areas that are being proposed for conversion to public fishery might be allowed with little effect on the sanctuary. However, in other cases he believes that if the proposed areas are converted to public fishery there would be a substantial impact on the sanctuary. He asked if there was a way to quantify these potential impacts.
 - Secretary Belton stated that there currently is no way to quantify the effect of converting sanctuary to public harvest area.
- Mr. Schott encouraged the Commissioners to continue to make fact based decisions.
- Mr. Goldsborough spoke against the delisting of any sanctuary areas and the importance of the ecological service that oysters provide. He encouraged the Commissioners to consider the importance of short term economic benefits as well as ecological factors and long term benefits.

Proposals submitted by the Kent, Queen Anne's, Somerset, St. Mary's County & Talbot Oyster Committees

- Delegate Rey expressed concern for impacts on research being conducted in Talbot County (Cook Point Sanctuary).
 - Ms. Baxter stated that she would find out if there are any potential issues related to current and future planned research in Talbot County.

- Mr. Robertson noted that some of the areas discussed in the County Oyster Committees proposals overlap with the list of sanctuary areas that the Commissioners are currently considering as candidates for oyster habitat restoration as the 4th and 5th oyster restoration tributaries. He asked if DNR would be proposing different management practices for each county in the oyster management plan or if the proposed management practices would be the same for all the counties.
 - Secretary Belton replied that the management plan may propose different management practices for each county. He noted that the County Oyster Committees proposals are a starting point and there is still much to be discussed. He reiterated that all of the tasks and previous discussions are beginning to come together; the County Oyster Committees proposals, the list of potential tributaries, the Man-O-War shell permit, and the sustainability plan for oysters.

- Secretary Belton stated that DNR would work to arrange a presentation from Mark W. Luckenbach of VIMS at a future OAC meeting.

Other Oyster Proposals

(Chris Judy, DNR)

Mr. Judy stated that following the October 17 OAC meeting, DNR contacted several environmental groups inviting them to submit proposals for changes to the current oyster management areas, giving them the same opportunity that Oyster Committees had. DNR hosted a meeting on November 4th that presented these groups with background material and information on how to submit a proposal (33 individuals attended representing 23 unique environmental groups). There were 12 groups that were not able to attend the meeting and these groups will either meet with Mr. Judy one on one or continue communicating via email. Mr. Judy provided the Commission with an example of the “worksheet” that had been given to the environmental groups to help them present their proposals. Mr. Judy stated that the feedback he received about the meeting was positive and the groups appreciated the opportunity to submit proposals.

Update on Fall Oyster Dredge Survey

(Chris Judy, DNR)

The Fall Oyster Dredge Survey is currently underway. Information on the initial results from the survey will be available at the December meeting. The survey evaluates oyster age class structure (spat, smalls, and markets) reproductive success, disease, mortality, and overall trends in these parameters.

Although a quarter of the survey remains to be completed, a few general trends are evident. Spat set is similar to levels recorded for the 2015 Fall Survey and mortality is also similar, overall. However, a few areas are showing an increase in mortality. The increase is not occurring

throughout Maryland's oyster bars, but is localized. The disease samples collected during the survey are still being analyzed to assess overall disease patterns and to assess whether there is any link to the localized mortality increases.

Public Comment

- Mr. Watson asked where the information provided to the Commissioners is located for public review.
 - Mr. Judy stated that all the materials and presentations are available on the OAC website, mostly filed under "Meetings" and then the date of the meetings, but other materials are at the homepage.
- A member of the public representing the Chesapeake Riverkeepers, thanked DNR for extending the opportunity for environmental groups to submit proposals. He stated that in the email sent by DNR regarding the proposals it stated that no Marylanders Grow Oysters (MGO) areas would be affected and no boundary changes would be accepted that opened MGO sites to harvest. He asked if he could report back that areas where MGO efforts were conducted would be off limits.
 - Secretary Belton stated that he could not confirm this with certainty. Mr. Judy explained that the presentation tonight may have suggested that MGO areas would revert to public fishery areas, but this was due to a variety of maps not being clear on that topic. Mr. Judy gave examples such as Chester River, Miles and Wye Rivers where MGO sites are not included in the proposed areas, but are still in sanctuary areas, though the maps didn't make this clear. The maps will be updated.
- Mr. Bob Lewis stated that homeowners are concerned for the preservation of MGO plantings and would like to know if they would be impacted.
- Mr. Newberry asked Mr. Robertson to speak about the new marine protected areas regarding the Atlantic sturgeon in the Nanticoke River. He stated that DNR had released a statement saying the State did not want to place shell on mud bottom where the Atlantic sturgeon may be spawning.
 - Mr. Robertson stated that the areas that Mr. Newberry is referring to are the designated critical habitat for the Atlantic sturgeon (which is listed under the Endangered Species Act). He said that although he is familiar with the topic he is not an expert on the topic so he does not feel that he can address Mr. Newberry's questions. Mr. Robertson stated that he would be happy to identify the best representative to speak about these issues and would invite this person to provide a presentation to the OAC.
- Mr. Newberry mentioned that despite public fishery areas being limited by sanctuaries, harvest numbers have continued to increase each year which speaks to the sustainability of the current harvest areas. Mr. Newberry stated that shell is needed in Maryland to maintain the oyster harvest (and he noted that the need for shell was echoed by several other states at the Oyster Futures Symposium that was held in October). Mr. Newberry stated that shell dredging had been an effective source for shell for 46 years and Maryland needed to get back to what works and develop an oyster management plan. Mr.

Newberry stated that he speaks to his waterman every day and the number of oysters harvested continues to decline but not just because harvest but also pollution, high water temperatures, high dissolved oxygen levels, and other factors.

- Mr. Alexandro introduced himself as the water policy advocate for the Maryland League of Conservation Voters as well as the Maryland State Lead for the Choose Clean Water Coalition. Mr. Alexandro spoke on behalf of the Conservation Voters and urged the Commissioners to not open up sanctuaries to oyster harvest and not shrink any oyster sanctuaries. He advised the Commissioners to use sound science to expand oyster sanctuaries and protect them from all harvest for several important reasons. He stated the Commissioners consistently talk about oysters in terms of their economic value; however, DNR needs to take a more comprehensive view, and properly value living oysters on reefs. Mr. Alexandro stated that to truly restore oysters in the Bay, there is a need for three dimensional oyster reefs. He added that oysters are a keystone species in an ecosystem that supports the health and welfare of all Marylanders. Mr. Alexandro stated that if given more time, increasing oyster sanctuaries can create larvae for surrounding areas and lead to increased economic benefits. He noted that amendments to an oyster fishery related bill were passed during Maryland's legislative session which indicated that there is a need to perform a stock assessment on the state's oyster population and develop a biological reference point. That study will determine sustainable levels for harvesting. Turning around and harvesting in sanctuaries now, especially before this study is concluded, goes against the spirit and intent of the legislation, which received nearly unanimous, bi-partisan support from both chambers.

Mr. Alexandro also noted that the location of the previous OAC meetings was not conducive to public comment and he thanked the Commissioners for the change in meeting location.

- Mr. Denton observed that this fall the Lower Wicomico River oyster harvest area had been completely harvested in a matter of weeks. He would like to know the number of bushels that had been harvested from the area. He noted that there is a thriving aquaculture business that falls within the tributary sanctuary area in the Wicomico River which contributes to the economy of the area. He explained that the business owners are resistant to attending a meeting like the OAC meeting. Mr. Denton stated that if the sanctuaries were to open up to public harvest it would be difficult for the owners of the aquaculture businesses to protect the area from poaching.
- Mr. Bradshaw stated that a comment was made regarding some areas being self-sustaining prior to being named a sanctuary. Mr. Bradshaw explained that self-sustaining areas like the Little Choptank River was used in the past to provide seed across the Bay area; but now that it has been designated as a sanctuary it has limited benefits to the public at large.
 - A member of the public responded that the sanctuary area still provides ecological benefits even if it is no longer available for supplying seed.

- Mr. Maginnes expressed concern that the OAC was not discussing issues related to the critical habitat areas for the Atlantic sturgeon.
 - Mr. Robertson stated that he would work to find the information that had been requested by the Commission. He would either make the information available on the website or identify a person to come to the December meeting to field these questions.
- Mr. Harrison asked how the Maryland Grows Oysters (MGO) program is funded.
 - Mr. Judy stated that State funds are used to provide the cages and spat. Some MGO groups have applied and received grant money from other sources to provide additional funding.
- Ms. Vincent stated that she would be staying after the meeting to speak to any members of the public that would like to voice any other concerns or discuss other related topics.

Next Meeting Agenda

(Dave Blazer, DNR)

The next OAC meeting will be held on December 12th, 2016 at 6pm at the Calvary United Methodist Church's Fellowship Hall.

Mr. Blazer stated that the topics discussed at the December meeting would include an update on the Man-O-War shell permit, continued discussion on the proposals from the County Oyster Committees, the Fall Survey data, the oyster sustainability act, and a possible presentation from Dr. Mark W. Luckenbach of VIMS.

Topics for Discussion for Future Commission Meetings:

1. Identification of where restoration efforts in oyster sanctuaries would be likely or unlikely to be successful. (DNR has provided Fall Survey data, but additional discussion may be needed)
2. The problem of boats running aground in shallow water created during oyster reef restoration. (DNR has agreed to work with watermen, USACE, and NOAA to set up a field meeting in Harris Creek to investigate and solve the high spots that are causing problems to boaters in Harris Creek)
3. Potential future sources of shell for restoration projects.
4. Recommendations that were made by the OAC in past years.
5. Land use patterns along the Chesapeake Bay shore and how land use affects oyster population and the commercial fishing industry.
6. Economic and cultural issues related to oyster harvests and sanctuaries.
7. Preference of oyster spat for various substrates.
8. The Virginia sanctuary program. (Presentation by Virginia watermen about the Virginia program)
9. Recommendations for future oyster management practices (e.g. rotational harvesting).
10. Establishment of shucking houses in Maryland
11. Discussion of the use of capital funds versus other state funds for oyster restoration.
12. Comparisons of the spat sets within the sanctuaries between the years prior to 2010 and more recent years.
13. Review and discussion of proposals submitted by the County Oyster Committees.

14. Receive more information regarding the selection of the 4th and 5th tributaries based on the homework completed by the Commissioners.
15. Review the status of outstanding permits.