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July 28, 2016

Ms. Kelley Cox and Mr. Scott Eglseder
Co-Chairs
c/o Department of Natural Resources
580 Taylor Avenue
Annapolis, Maryland 21401

Re: Concerns with DNR's Rush to Restart Tred Avon River Sanctuary Work

Dear Chairpersons Cox and Eglseder:

On behalf of DelMarVa Fisheries Association, Inc. (DFA), I am respectfully requesting the Oyster Advisory Commission's due consideration of the following issues and concerns with the Department of Natural Resources' haste to restart oyster restoration activities in the Tred Avon River Sanctuary:

More than \$26 million of taxpayer funds were spent to dump stone and other rubble waste in Harris Creek and for the Oyster Recovery Partnership (ORP) and other nongovernmental organizations (NGOs) to seed such stone/rubble waste with oyster larva for the alleged purpose of generating new 3-dimensional oyster reefs in Harris Creek that would restore and improve the oyster population in the creek.

The stone and rubble waste dumped on teeming oyster beds in Harris Creek crushed and killed existing oysters in existing oyster beds.

The vast majority of the seed oysters purchased from ORP and released onto project areas died before ever being placed on the stone and rubble waste. Such stone and rubble waste is not a preferred surface on which oyster larva will strike. The larva was spawned in oxygenated, filtered, temperature controlled water in the Horn Point Laboratory and over 80% of such seed likely died after being released into the waters of the Bay.

At least 40 boats have incurred significant damage trying to navigate Harris Creek as a result of the alteration of bottom. No one has meaningfully compensated such boat owners for the damage caused by the stone and rubble waste dumped in navigable channels pursuant to the oyster sanctuary program.

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Crabbers cannot lay trotline and harvest in the areas in which they traditionally have enjoyed bountiful harvests due to the creation of jagged bottom that snags such line.

DNR's annual oyster survey shows that such colossal expenditure of funds has not resulted in the restoration of habitat or the rejuvenation of historic oyster bars.

DFA contends that the program is a waste of taxpayer funds that has destroyed oyster habitat. Harris Creek was converted into a rubble waste dump and the blue crab fishery has been detrimentally impacted.

In January of 2015, Governor Hogan ordered that the oyster habitat restoration work scheduled to begin in the Tred Avon River in 2016 be discontinued until such time as the overdue oyster sanctuary program study (the \$26.1 million Harris Creek project is part of the oyster sanctuary program) was completed by DNR. Apparently, Governor Hogan deemed that fiscal and environmental prudence required that multi-million dollar oyster habitat restoration programs scientifically be shown to be successful before being replicated.

At that time, DNR Secretary Belton agreed that further work in the Tred Avon River should await completion of the long overdue five-year oyster sanctuary program study. At that time, Secretary Belton advised that the oyster sanctuary study would be completed by mid-year 2016.

Not surprisingly, the oyster sanctuary study still has not been publicly released. Reportedly it is over 900 pages in length. I suggest that any "scientific study" that is 900 pages in length seeks to obfuscate the facts, not to report them.

It is my understanding that Dermo, a disease that kills oysters, has rekindled in the area where the Harris Creek restoration work was performed.

DNR's annual oyster survey establishes that oyster biomass and oyster spat count (a measure of the success or lack thereof or oyster propagation and recruitment) is poor in the Harris Creek sanctuary project areas.

It is my understanding that there is no evidence that baby oysters are growing on the stone and rubble waste dumped in Harris Creek – oysters have not meaningfully struck on such stone and rubble waste.

Inexplicably, DNR/ORP now wants the Oyster Advisory Commission to approve work in the Tred Avon River that mirrors the work undertaken in Harris Creek without any evidence that such an exorbitantly expensive project will meaningfully restore the oyster population.

DNR/ORP wants the Commission to do so without the release of the DNR sanctuary "study."

DNR/ORP wants the Commission to do so without time to consider and meaningfully question the persons who prepared the "study."



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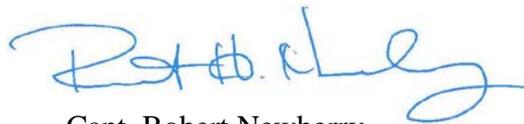
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DFA respectfully requests the Oyster Advisory Commission to:

- A. Refuse to consider approval of oyster restoration work in the Tred Avon River requested by DNR/ORP/NGOs until publication and ample opportunity to consider and question the “scientists” who publish the “study” and do so without affording the public an opportunity to meaningfully review the study and raise questions and concerns about the “study.”
- B. Give DFA an opportunity to present to the Commission a program for restoration and propagation of the natural oyster bars in the Bay and the data that supports the undertaking of such a program.

We thank you and the Commission for its consideration of our concerns.

Sincerely,



Capt. Robert Newberry
Chairman

cc: DNR Secretary Mark Belton

