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Senate Education, Health & Environmental Affairs Committee

**Testimony in OPPOSITION to**

**Senate Bill 145**  
(Emergency Bill)

Natural Resources – Prohibition on Dredging Buried Oyster Shells on Man O’War Shoals

Tuesday, February 5, 2019

The Delmarva Fisheries Association urges an unfavorable report on Senate Bill 145, as it would indefinitely prohibit the dredging of much-needed natural oyster shell from an area in the upper Chesapeake Bay know as Man O’War Shoals and will undermine the extensive review and analysis of various State and federal agencies (DNR, MDE, USACE, USFW) over many years in recommending such activity in an environmentally sensitive manner to the Board of Public Works. Arbitrarily declaring known deposits of natural oyster shells off limits adds costs to restoration efforts and fuels contentions among stakeholders in need of shell.

Oyster spat need a clean hard surface on which to strike after spawning in order to grow.

Chesapeake Bay oyster **shell is the absolute best** surface and material (thanks to Mother Nature) for oyster propagation and growth; and there is an enormous supply of natural shell at Man O’War Shoals and elsewhere in the upper Bay, buried under sediment.

DFA is on record in support of dredging natural oyster shell from Man O’War Shoals with the understanding that no dredging will occur in the vicinity of the portion of this natural oyster bar where the Baltimore County Watermen’s Association has been engaged in restoration efforts. The shoal is large enough to support the efforts of local oystermen in seed planting and cultivation while permitting the harvesting of natural shell for use throughout the Bay in the commercial fishery and in aquaculture, sanctuaries and hatcheries. This includes more shell to enhance the efforts of Baltimore County watermen involved in the oyster fishery.

Man O’War Shoals is a relatively isolated natural oyster bar located just to the north of the navigable channel in the Patapsco River in which ships travel to the Ports of Baltimore. The shoal comprises roughly 400 acres and the area designated for the harvesting of shells is approximately 32 acres (~8%). The vast majority of sediments dislodged during the shell harvesting process will settle out in the navigable channel and be dredged by U.S. Army Corps of Engineers (USACE) and the Maryland Port Administration in the course of their channel maintenance program.

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The mud that will be stirred up during the dredging for shell will be a temporary condition and minor compared to other dredging activities by the USACE in the Upper Bay and the enormous amounts of sediment discharged from above Conowingo Dam during storms. The long-term benefits to the natural environment and overall Bay water quality from well-placed indigenous shell obtained from Man O'War Shoals will eclipse any temporary unsettling of the natural environment caused by the shell dredging process. The resulting increase of oysters in the Bay will have a positive economic impact in local jurisdictions and fishing communities – while a natural oyster bar left alone in the upper Bay will eventually, if not already, be smothered by sedimentation and be of little ecological or economic value.

According to DNR's Annual Oyster Surveys from the past several years, Man O'War Shoals is not producing any spat or production-size oysters. Only minimal catches are coming from the area that Baltimore County has planted and is entitled to fish on. Such areas should not be impacted while dredging elsewhere on the shoals for the good of the entire Bay is permitted.

For 40-plus years, the State dredged shell from the upper reaches of the Chesapeake Bay for the oyster replenishment (repletion) program. This program was terminated in 2006 despite very successful results with oyster reproduction and market production of oysters. Since 2006, oysters in the upper reaches of the Chesapeake Bay have almost ceased to exist, other than select areas being planted by watermen's groups. Again, recent DNR Oyster Surveys corroborate this information.

The application for the harvesting of shell from Man O'War Shoals has been pending for longer than can reasonably be justified. Because the lack of shell breeds fierce competition among stakeholders in the oyster fishery, and impedes efforts to maximize the economic and ecological benefits, and the costs are inflated due to limited supply, the process to gain access to a proven source of natural shell should be a unifying undertaking – and a priority. This bill does just the opposite.

For these reasons, DFA urges an UNFAVORABLE report on SB 145.

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