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May 8, 2019

Department of Natural Resources
Fishing & Boating Services
580 Taylor Avenue
Annapolis, Maryland 21401
fisheriespubliccomment.dnr@maryland.gov

Re: Revised Maryland Oyster Management Plan

Dear Sir or Madam:

The Delmarva Fisheries Association (DFA) is a 501(c)(6) trade association established to protect, defend and enhance the commercial fishing industry in the DelMarVa region for present participants as well as future generations through all legal means while maintaining healthy and sustainable stocks of fish. With that mission in mind, we are curious about the change in the Preface of the Final Draft Maryland Oyster Management Plan (“FMP”) from language we previously commended, i.e. its stated goal to “protect the [oyster] resource while allowing optimal harvest” to the re-worded goal to “protect the resource while allowing *sustainable* harvest” (emphasis added). Presumably pressure from certain special interest groups led to this alteration. Can you help us understand what the difference is intended to convey? After all, cannot “optimal” and “sustainable” ultimately mean the same thing?

Regardless of the semantics games endorsed by those special interest groups, we are grateful for the opportunity to provide a second round of comments. While almost none of our previous comments found their way into this new version, it is our hope that the following observations will be reflected in the final version.

Based on science provided by your Department, the U.S. Army Corps of Engineers, and other relevant agencies, the commercial industry has long advocated for the harvesting of buried oyster shell to provide the best substrate for new spat and promote the creation of new oyster reefs. To that end we have been vocal in our support of the Department of Natural Resources permit to dredge shell from Man O’War Shoals.

- On page 16 of the new draft FMP (Section 3.0) it states that, “Geologic and anthropogenic substrates are likely the most viable option for oyster sanctuaries but should be used in a manner that does not negatively impact [the] Chesapeake Bay (e.g. navigational issues from altering water depth).” We recommend adding language that specifically mentions

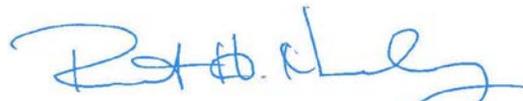
the hazard of pollutants and contaminants being introduced into the water with the anthropogenic construction rubble currently advocated by the aforementioned special interest groups. For example inserting, "...impact the Chesapeake Bay through the introduction of toxic contaminants or other hazards (e.g. navigational issues...)" to the existing sentence. Additionally, rigorous testing mechanisms should be codified to ensure that this does not happen.

- In the next paragraph, Substrate Strategy 3.0, the first sentence is vaguely worded and our concern is that certain special interest groups will interpret this language as basis for further challenge to your Department's permit to dredge the shell from Man O'War Shoals. Please consider adding language to clarify that dredging and cleaning buried shell in the Upper Bay is a crucial part of maintenance and replenishment strategy. For example, "Promote the beneficial reuse of natural oyster substrate (oyster shell) in the ongoing effort to replenish and protect natural substrate and, after rigorous testing for toxins, evaluate the use of alternative substrate as a method..."

Additionally, it is worth noting that our members have high hopes that this FMP will allow for the demonstration of the effectiveness of rotational harvest despite a [recent Bay Journal article](#) indicating that Secretary Haddaway-Riccio believes recently passed legislation would prevent this action in critical areas of the Bay.

In closing, we again wish to express our thanks for the opportunity to participate in ongoing efforts to protect the Chesapeake Bay, a resource on which our livelihoods depend. As Maryland's first conservationists, we have appreciated the current Administration's willingness to work with us, rather than paint us as demons wreaking havoc on the aquatic life of one of our greatest national treasures. Despite immense pressure from certain special interest groups, we hope that you will continue to consider a **wild** fishery to be an integral part of Maryland's cultural and economic infrastructure.

Sincerely,



Capt. Robert Newberry, *Chairman*
rnewberry56@gmail.com

cc: Jeannie Haddaway-Riccio, Secretary, Maryland Department of Natural Resources
Clean Chesapeake Coalition

