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August 28, 2019

Mr. Bill Anderson, Assistant Secretary
Department of Natural Resources
580 Taylor Avenue
Annapolis, Maryland 21401

Dear Bill:

On behalf of the Delmarva Fisheries Association (DFA), I am writing today to offer feedback on management measures for the 2019/2020 oyster season. Last evening we hosted 50 watermen and seafood industry folks to discuss the options the Department of Natural Resources (DNR) proposed at the Oyster Advisory Commission (OAC) meeting on August 12, 2019. Although we were unable to reach unanimous consent on any of the reductions to the season, the majority of those in attendance agreed that in the interests of a productive process, temporary concessions would have to be made. As DNR representatives were unable to attend, due to the last-minute nature of the assembly and prior DNR commitments, DFA offers the following synopsis of our meeting, including our preferences for the coming season. Representatives from Dorchester, Kent, Queen Anne's, Somerset and Talbots counties, where 85% of the licensed oystermen reside, were in attendance and, with that in mind, we hope that our comments will be given commensurate weight as the Department identifies the parameters of the upcoming season.

Prior to reporting out on specific measures, we should highlight the deep frustration expressed by the majority of watermen in the room with regards to further reductions in the fishery. It is our position that the vocabulary we use introduces a bias in adaptive management strategies. In General Assembly committee hearings, at ASMFC, OAC and other agency meetings, in publications both by scientists and special interest groups, the depletion of a natural resource is described as "overfished" or concern about abundance as "overfishing." This leads to harvest efforts having a disproportionate impact on the conversation and the corrective measures that follow. The actual designation of "overfished" results from a variety of factors: climate change, temperature, salinity, pollution, etc. And yet, each time an alarm is raised, it's the watermen that make the concessions. While it may be true that it's easier to punish the watermen in the short-term, once certain special interest groups realize their publicly stated goal of eliminating the wild fishery, they will be forced to tackle more expensive, long-term and systemic problems that affect the eco-system in the Chesapeake Bay (i.e. the reported 260 million gallons of sewage dumped in the Inner Harbor in 2018 or the lost trapping capacity at the Conowingo Dam).

When presented with proposed commercial bushel limits, **the majority of meeting attendees who voted agreed that a temporary 10% reduction was manageable** and would allow them to make end's meet. On the other hand, **nearly everyone present agreed that shortening the season at either end would create a tremendous negative impact**, particularly in October and November when oyster festivals and the Thanksgiving holidays typically represent significant income

opportunities. Both of the seafood processors present indicated that further inroads into the season length could eventually cause them to close up shop permanently. It was also noted that the season has already been whittled away in the past several decades and another reduction would be hard to manage financially across the sector. During a typical season, many days are already lost due to weather. Additionally, the U.S. Coast Guard has issued warnings in the past about measures that put people on the water in harm's way, and we fear that shortening the season would undoubtedly exacerbate the risk to working watermen. **Almost all attendees were amenable to a 3:00 pm closure** in November and December for this coming season as removing an hour or two during the day is much more manageable than entire days. No one had strong feelings about the recreational sector; it's hard to say whether it would have a significant impact, given that we don't have good figures about the recreational oyster harvest in Maryland. Finally, **the suggestion that TFL holders not paying the oyster surcharge in a given year should have to wait two years to reenter the fishery was met with near universal approval.**

While most meeting attendees were resigned to the fact that the commercial fishery would have to take a hit in the 2019/2020 season, we were united in our fear that "temporary" measures would become permanent. We applaud the Department's intention to conduct a new biomass survey in advance of the one mandated by the legislature. Given that only market-sized oysters were considered in the recent University of Maryland Center for Environmental Science survey, and that the natural spatset in certain areas has been robust this year, it is our hope that once the biomass increases, none of these measures slip over the line into permanent regulations. Our members have offered to accept these reductions in good faith and hope that it has not been misplaced. A guarantee from the Department that the commercial sector will be allowed to recover with the oyster resource would help to assuage the fears generated by many years of antagonism from previous Administrations. We recognize that working together with the Department is a more effective strategy for oyster recovery and look forward to participating in the restoration process.

Our members are supportive of science-based adaptive management strategies for Maryland's fisheries, rather than simply regurgitating the message from certain special interest groups that are more focused on destroying the wild fishery than finding solutions to the grave threats posed by upstream pollution, climate change and other stressors. Our members are the State's first conservationists; we protect our livelihood for the love of our work and the hope that our children and grandchildren can pursue it after we're gone. We urge you to consider the voices of those who want to restore the balance, not destroy the public fishery. Thank you for the opportunity to provide feedback. Do not hesitate to reach out with any questions.

Sincerely,



Capt. Robert Newberry
Chairman

cc: Secretary Jeannie Haddaway- Riccio, DNR
Jodi Baxter, DNR
Chris Judy, DNR

