120 SPEER ROAD, SUITE 1
CHESTERTOWN, MARYLAND 21620
PHONE: (410) 810-1381
FAX: (410) 810-1383
WWW.CLEANCHESAPEAKECOALITION.COM

Senate Education, Health, and Environmental Affairs Committee

Testimony in SUPPORT of Senate Bill 926

Natural Resources – Oyster Planting – Substrate Material

Tuesday, February 27, 2018

The Clean Chesapeake Coalition (CCC) urges a favorable report on Senate Bill 926, which will give priority to natural indigenous oyster shell as the preferred substrate in oyster restoration, propagation and replenishment projects throughout the Chesapeake Bay; and require an environmental impact statement by DNR and public hearing before the use of certain alternative substrate materials.

Oyster spat need a clean hard surface on which to strike after spawning in order to grow.[1]

There is no dispute that Chesapeake Bay oyster **shell is the absolute best** surface upon which oyster larva can and will most successfully strike after spawning.[2] If such shell is properly seeded and then distributed or re-distributed throughout the Bay and tributaries to natural oyster bars that have been cleaned, it will serve as a catalyst for the restoration of such natural oyster bars and measurably enhance oyster propagation.

Natural oyster shell is needed for all aspects of oyster restoration – aquaculture, sanctuaries, hatcheries and the commercial fishery. There is no dispute among all stakeholders that natural shell is the absolute best for oyster propagation and growth; and there is an enormous supply of nature shell in the upper Bay, buried under sediment. Coalition counties have consistently opposed the importation and dumping of rubble waste and other non-indigenous "alternative" materials in the Bay to create hard bottom. **Artificial is not the best way forward to bring back the Bay's iconic bivalve in a meaningful way**…enough to move the Bay TMDL water quality improvement needle.

Chesapeake Bay oyster shell is better than any of the other replacement – just look at all the problems and high costs with what was used as "alternative substrate" in the Harris Creek, Little Choptank River and Tred Avon River oyster restoration projects. There would be much less controversy, fewer unanswered questions and significantly reduced costs if indigenous natural shell had been used in those oyster restoration projects.

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[1] Chesapeake Bay Oyster Recovery: Native Oyster Restoration Master Plan (September 2012) by U.S. Army Corps of Engineers, in close partnership with the Maryland Department of Natural Resources and the Virginia Marine Resources Commission ("USACE Master Plan"), page 160.

[2] USACE Master Plan, page 160.

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Per USACE metrics, the lowest cost substrate for constructing oyster bars is shell.[3]

No new pollution, pathogens or toxins are introduced into the Bay by the use of indigenous oyster shell. No new sediment is introduced into the Bay by the use of native shell.

As detailed in the report titled "*Saving the Chesapeake Bay TMDL: The Critical Role of Nutrient Offsets*" prepared by the School of Public Policy of the University of Maryland (October 2012), there are circumstances where mitigating the effects of nutrient and sediment pollution already in the Bay and its tributaries will be more cost-effective than pollution reduction/prevention at the source. Oyster restoration and propagation is a prime example of a cost-effective activity of keen interest to Coalition counties that undeniability improves water quality and is beneficial to local economies.

There is no dispute over the ecological value of the oyster - Mother Nature's best filter - to the water quality of the Chesapeake Bay. The health and vitality of the Bay oyster population is essential to cleaning up the Bay. Indeed, in Appendix U of the 2010 Bay TMDL the EPA directed Maryland and Virginia to address filter feeder (i.e., oyster) management in their WIPs (because a tenfold increase in the oyster population could remove 10 million pounds of nitrogen annually) and said it would work with the states to establish a strategy for crediting filter feeder benefits. The availability and use of natural indigenous shell are essential to realizing those benefits.

The overall objective of the Clean Chesapeake Coalition is to raise awareness and pursue improvement to the water quality of the Chesapeake Bay in the most prudent and fiscally responsible manner. We believe that a prudently managed oyster fishery, including a preference for natural native shell, can be one of the most cost effective best management practices to improve water quality, while boosting the seafood industry and local economies.

SB 926 is inconsistent with the Coalition's cornerstone policy of promoting restoration of historic natural oyster bars and Bay wide oyster cultivation (dredging, shell replenishment, seeded shell relocation, and rotational harvest) to increase the population of oysters throughout the Chesapeake Bay and its tributaries as much as possible for their undisputed ecological value as natural filters and the positive economic impact.

For these reasons, the Coalition urges a FAVORABLE report on SB926.

CONTACT: Chip MacLeod at 410-810-1381 or cmacleod@mlg-lawyers.com

[3] USACE Master Plan, pages 161, 174, 176.