



December 22, 2009

Secretary John Griffin  
Tawes State Office Building  
580 Taylor Avenue  
Annapolis, MD 21401

Subject: Oyster Restoration and Aquaculture Development Plan

Dear Secretary Griffin,

We are in support of the Governor's program for future management of oyster harvests in the Chesapeake Bay. The oyster as a key component in the health of the ecosystem and Bay's recovery is finally being heard loud and clear. Our sincere thanks to you, Governor O'Malley, and DNR's staff for your work in developing the Oyster Restoration and Aquaculture Development Plan.

We would like to request that the public meeting on this proposal be held after January 15, 2010 in the southern Maryland region. Many of our key stakeholders will be overseas or out-of-town during the first half of January.

We would also like to be added to the interested parties list so that we can continue to participate in this critical effort. Please use the email addresses as noted in the signature line.

In the St. Mary's River, the Governor's proposal identifies all of the tidal river and coves north of St. Mary's College of Maryland as sanctuary. We are in full support of this proposal. This area is a well documented sending area for oyster larvae and in recent years the natural spat set has been excellent. Mortality from disease has also been moderate to high, although we are hopeful that the increase in spat set is an indicator of improving tolerance to Dermo.

The proposed sanctuary area represents a very small part of the St. Mary's River watershed system and an even smaller percentage of public oyster bars. We propose an expansion of the sanctuary area southward. Our proposal would designate as sanctuary approximately 10 % of the system's oyster bar acreage, thereby leaving 90% of public oyster bar acreage available for commercial harvest. We would like all of the tidal area north of a line from Priests Point to Windmill Point to become sanctuary, with the exception that currently leased oyster bars should remain as renewable lease areas for

aquaculture (grandfathered). This would include all of the area proposed by the Governor as well as additional area southward and including St. Inigoes Creek.

Additionally, we would like the lower St. Mary's River to have some areas designated for aquaculture as an incentive for private monies to be invested in oyster recovery, as well as to provide opportunities for our local watermen. We are amenable to the idea that specified and limited areas in shallow coves be available for floating reef aquaculture – even if this area is within our proposed sanctuary area – since these areas are ideal for this type of operation, and can be valuable assets, funded through private monies, in improving water quality. While we are unsure of the appropriate size for an economically viable floating reef operation, we do support a size limit in order to promote the establishment of sustainable, local enterprises and minimize impacts to neighbors and neighborhoods.

We will be presenting a detailed argument for this position during the January public comment period. For now we will offer these observations and comments in support of our request.

#### Easily Identified

The value of using obvious points to demarcate the beginning of the sanctuary zone will be recognized by state officials, Federal employees at Webster Field, all watermen, and the public. This will aid in enforcement and the protection of the oyster populations by allowing concerned citizens to observe and notify authorities of any unauthorized oyster harvesting.

#### Historically Productive Waters

There are nearly two dozen small to medium sized oyster bars within our proposed zone and they have historically been productive. Indeed, the St. Mary's River has been a highly productive watershed for oysters over the past 2000 years, as revealed by archaeology, and it offered such favorable conditions that DNR used it to grow seed oysters in the mid-20<sup>th</sup> century. Large portions of the river, such as St. Inigoes Creek, have only recently been re-opened to oyster harvesting, and represent proven, natural oyster habitat that could be protected without substantially impacting commercial yields. Allowing the oyster population on the St. Mary's to be successfully re-established will not only help ecosystem recovery but also allow tidal action to seed oyster larvae throughout the lower Potomac.

#### Cultural Resources Protected

The St. Mary's River is one of the most historically significant rivers in the Chesapeake Bay, the founding site of the Maryland colony and the first Chesapeake river in Maryland to be regularly traveled by colonial settlers. In addition, this river witnessed

military actions during the English Civil War, the American Revolution, the War of 1812 and served as a base for the Potomac Flotilla during the American Civil War. Its waters are rich in cultural resources (sunken vessels, lost cargoes, anchors, and other materials) from 400 years of maritime activity. By establishing a broad sanctuary where dredging is prohibited, the State will not only aid in the recovery of the vital oyster population but will aid in the protection and preservation of historical maritime resources.

### Vast Data Set will Enhance Research Opportunities

The river has been the subject of extensive research and data collection. It is today one of the best studied rivers in the Chesapeake region. Not only does it have contemporary scientific data, but 40 years of archaeological excavations have provided a unique record of ecosystem change over the past 1000 years, and specifically, data on oysters and their growth. No other estuarine system on the East Coast of the United States has such a remarkable cluster of data sets. Creating a substantial sanctuary will allow innovative research projects to be conducted to measure oyster recovery, evaluate methods to create new bars, track changes in benthic epifauna as the oyster population increases, assess viability of oyster aquaculture, and provide additional benefits.

### Factors Favor Success

The St. Mary's River system presents an opportunity to demonstrate early success in this critical program due to its geography and the nature of present-day development along its shores. Just as with other Chesapeake rivers, runoff from farmland and impervious surfaces threaten this watershed. The ability to measure and modify such impacts is greater, however, due to the location of the river within one zoning and enforcement jurisdiction. In addition, the absence of waterfront industry and the rural, homogenous nature of shoreline development are unique for a western shore river in close proximity to policymakers in Annapolis and Washington.

### Convergence of Interests

We have a unique opportunity to capitalize on shared interests from a diverse group of people. Archeologists, maritime historians, researchers, students, educators, community stewards, ecologists, waterfront landowners (Marylanders Grow Oysters volunteers), and environmental activists unite in this appeal for a more substantial application of the Governor's new program—Oyster Restoration and Aquaculture Development Plan. Expanding the sanctuary would offer each stakeholder an opportunity to contribute to the success of the plan and provide visible evidence that the state is serious in its desire to reverse decades of neglect and decline. Additionally, we are supportive of the oyster industry through our request for more emphasis and identification of aquaculture lease areas within the St. Mary's River watershed. These

are good, sound reasons to propose an expansion of the oyster sanctuary on the St. Mary's River.

Respectfully,

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