



Larry Hogan, Governor
Boyd Rutherford, Lt. Governor
Jeannie Haddaway-Riccio, Secretary

August 4, 2020

The Honorable Larry Hogan
Governor
State House
Annapolis, Maryland 21401

The Honorable Bill Ferguson
President, Senate of Maryland
H107 State House
Annapolis, Maryland 21401

The Honorable Adrienne Jones
Speaker, Maryland House of Delegates
H101 State House
Annapolis, Maryland 21401

Re: First Interim Report for Development of Consensus Recommendations on Oyster Management

Agency: Maryland Department of Natural Resources

Report Authority: SB808, Chapter 598 and HB911, Chapter 597 of 2020 (MSAR 12769)

Dear Governor, President and Speaker:

In accordance with Senate Bill 808 (Chapter 598) and House Bill 911 (Chapter 597) of 2020, the Maryland Department of Natural Resources hereby submits the first interim report on the Oyster Advisory Commission and the development of consensus recommendations for oyster management.

If you have any questions about this submission, please feel free to contact James W. McKittrick, Director, Legislative and Constituent Services at 443-510-5013 or jamesw.mckittrick@maryland.gov.

Sincerely,

Jeannie Haddaway-Riccio
Secretary

enclosure

cc: Sarah Albert, Legislative Library (5 hard copies)



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Boyd Rutherford, Lt. Governor



Jeannie Haddaway-Riccio, Secretary

First Progress Report: Oyster Advisory Commission Consensus Recommendations on Oyster Management

A REPORT TO THE MARYLAND GENERAL ASSEMBLY

AUGUST 1, 2020

As required by Natural Resources Article §4-215 and §4-204

**Maryland Department of Natural Resources Fishing and Boating Services
in consultation with
The University of Maryland Center for Environmental Science**

TTY users call via the MD Relay

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First Progress Report:
Oyster Advisory Commission Consensus Recommendations on Oyster Management

Introduction

The [Oyster Advisory Commission \(OAC\)](#) has the duty of advising the department on matters related to oysters in Maryland's portion of the Chesapeake and Coastal bays. This will be accomplished by:

- Providing the department with advice on matters related to oysters in the Chesapeake Bay;
- Reviewing the best possible science and recommending changes to the framework and strategies for rebuilding and managing the oyster population in the Chesapeake Bay under the Chesapeake Bay Oyster Management Plan;
- Reviewing the latest findings relevant to the Environmental Impact Statement evaluating oyster restoration alternatives for the Chesapeake Bay;
- Reviewing any other scientific, economic, or cultural information relevant to oysters in the Chesapeake Bay; and as of 2020
- Developing a package of consensus recommendations, in coordination with the Department, for enhancing and implementing the fishery management plan for oysters as required per statute.

With the assistance of external conflict resolution and facilitation specialists, the commission must develop a package of consensus recommendations through a facilitated consensus solutions process, based on a 75% majority agreement level for each recommendation. In accordance [Senate Bill 808 of 2020](#) (and Maryland Code, Natural Resources § 4-215), “the department shall, in coordination with the University of Maryland Center for Environmental Science and the Oyster Advisory Commission, develop a package of consensus recommendations for enhancing and implementing the fishery management plan for oysters that will be informed by a collaboratively developed, science-based modeling tool to quantify the long-term impacts of identified management actions and possible combinations of management actions on:

- Oyster abundance;
- Oyster habitat;
- Oyster harvest;
- Oyster harvest revenue;
- Nitrogen removal.”

The fishery management plan must:

- End the overfishing of oysters in all areas and regions of the Chesapeake Bay and its tributaries where it has occurred according to biological reference points established by the most recent oyster stock assessment while maintaining a harvest in the fishery;
- Achieve fishing mortality rates at target levels;
- Increase oyster abundance;
- Increase oyster habitat;
- Facilitate the long-term sustainable harvest of oysters, including the public fishery.

Membership

Under the consensus building process defined in statute (§4–204), 60% of the commission members must be oyster industry orientated (e.g., public fishery and aquaculture) and 40% non-industry orientated (e.g., environmental groups and academia). Member organizations are codified in statute and the list of individual commissioners selected by their organization are:

Type	Commissioner	Organization
Voting Members	JD Blackwell	Aquaculture Coordinating Council
	Keith Bradley	Wicomico County Oyster Committee
	Robert T Brown	Maryland Watermen's Association
	Mark Bryer	The Nature Conservancy
	Keith Busick	Baltimore County Oyster Committee
	Allison Colden	Chesapeake Bay Foundation
	Jack Cover	National Aquarium
	Simon Dean	Calvert County Oyster Committee
	Ron Fithian	Kent County Oyster Committee
	Matt Fowler	Charles County Oyster Committee
	Jeff Harrison	Talbot County Oyster Committee
	Brian Hite	St Mary's County Oyster Committee
	Jesse Iliff	Arundel Rivers Federation

	Scott Knoche	PEARL (Morgan State University)
	Vincent Leggett	Blacks of the Chesapeake
	Tom Miller	University of Md Center for Environmental Science
	Jim Mullin	Maryland Oystermen Association
	Matt Pluta	ShoreRivers
	Larry Powley	Dorchester County Oyster Committee
	Jason Ruth	Harris Seafood Company (Seafood Dealer)
	Johnny Shockley	Blue Oyster Environmental
	Dave Sikorski	Coastal Conservation Association
	Ann Swanson	Chesapeake Bay Commission
	Daniel Webster	Somerset County Oyster Committee
	Troy Wilkins	Queen Anne's County Oyster Committee
	Rob Witt	Anne Arundel County Oyster Committee
	<i>Vacant (Opted Not to Participate)</i>	BaySavers
	<i>Vacant (Recused Themselves)</i>	Oyster Recovery Partnership
Non-Voting Members	Sean Corson	NOAA
	Sarah Elfreth	Maryland Senate
	Steve Hershey	Maryland Senate

	Marvin Holmes	Maryland House of Delegate
	Chris Judy	Department of Natural Resources
	Johnny Mautz	Maryland House of Delegates
	Angie Sowers	USACE

Progress To Date

The department contracted with two independent facilitators who have been conducting the OAC meetings in conjunction with the department and UMCES. The commission held its first meeting under the new framework on February 10, 2020, and has continued to meet monthly thereafter. Due to the COVID-19 pandemic, meetings have been conducted via WebEx video conferencing since April 2020. All meetings have been open to the public and have allowed for public comment.

Actions to date include:

- Facilitating introductions of the new and former commissioners, including small group breakout sessions to discuss goals;
- Reviewing the statutory requirements and charge of the commission in §4–215 and §4–204;
- Developing and adopting operating guidelines for the commission (dnr.maryland.gov/fisheries/documents/OACOperatingGuidelines.pdf);
- Establishing a timeline for completion of the consensus process;
- A briefing and discussion on oyster population modeling and how a model will be used to evaluate stakeholder management recommendations;
- A presentation from UMCES regarding the the consensus process and methodology that will be used to select management options to model and recommend;
- Reviewing and discussing recommendations for oyster management actions being considered by DNR, including large-scale sanctuary restoration projects (draft blueprint plans) and oyster season limits for the 2020/2021 season;
- Briefing and discussion on the most recent oyster stock assessment completed by UMCES.

In addition, the UMCES oyster modeling team has conducted individual interviews with each of the commissioners to collect information on (1) what they believe short-term and long-term success looks like for oyster management in Maryland, (2) potential metrics to measure success, and (3) potential options for oyster management or other measures that should be

considered to achieve success. This information was compiled, synthesized, and discussed at the July 2020 meeting.

Oyster Stock Assessment

As per statute §4–215, every two years, the department will conduct an updated oyster stock assessment to review the status of the stock relative to reference points. Every six years, the department will conduct a benchmark stock assessment that considers new methods and is independently peer reviewed.

In June 2020, an updated stock assessment was conducted by UMCES in coordination with the department by adding two more years of data to the 2018 assessment assessment, including the harvest season that ended in March 2020. The stock assessment results were presented to the OAC at the June meeting. The reports can be found on DNR's website at dnr.maryland.gov/fisheries/Pages/oysters/Oyster_Stock_Assess.aspx. The updated stock assessment results will provide the basis for the simulation model that will be used in the consensus process.

Future Actions

Under the proposed timeline for the OAC, the commission will continue to meet monthly to advance the goals of the consensus process and consider oyster-related policy and management decisions. Now that the OAC has been briefed on the consensus process and the latest stock assessment, the commission will begin recommending future management actions to model. It is estimated that the model would be complete by December 2020 or by early 2021.

The statute also requires the commission to conduct public listening sessions throughout the state to identify possible management actions for use in the public oyster fishery. Those public listening sessions may also include an educational component to provide background on the public oyster fishery such as a site visit to an oyster hatchery, a seafood dealer's place of business, a commercial oyster boat, an aquaculture operation, etc. Pending the impacts of the COVID-19 pandemic, the public listening sessions may be held in late 2020, held virtually or deferred to 2021.

In 2021, the commission will continue modeling proposed management actions and review the results. Those results will be used to make final recommendations and will help inform the establishment of an abundance target biological reference point.

All meetings will continue to be open to the public and allow for public comment, even when held virtually.

The next progress report is due by December 1, 2020. A final report is due by December 1, 2021.

Past Meeting Agendas

All past meeting information, presentations and summaries can be found at dnr.maryland.gov/fisheries/Pages/mgmt-committees/oac-meetings.aspx

February 10, 2020

- Member Introductions
- Review of HB720/SB830

March 9, 2020

- Patuxent River Gear Lines Scoping
- Review Proposed Guidelines of the Commission
- Dual Purpose of the Commission
- Proposed Timeline of the Commission
- Review of Group Exercise Results (Jan 2020 Meeting)

April 14, 2020

- Vote: OAC Guidelines
- Overview and History of OysterFutures
- Overview: Predictive Demographic Model and Larval Transport Model

May 11, 2020

- Draft Manokin Sanctuary Restoration Blueprint
- Plan for the Consensus Process
- Vote: OAC Guidelines

June 8, 2020

- Stock Assessment: 2019 Update Results
- Draft 2020-2021 Oyster Harvest Limits
- Process for Providing Written Comments on the Draft Oyster Harvest Limits

July 13, 2020

- Recap: Charge of the OAC and consensus
- Summary of interviews: Vision of success
- Develop vision statement
- Discussion of meeting time and length