



PATUXENT RIVER COMMISSION

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☀ Please call Daniel Rosen at MDP 410-767-4577 if you have any questions or comments.

Larry Hogan, Governor
Councilman Michael Leszcz, Chairman
Councilwoman Mary Kay Sigaty Vice Chairman

We, the Patuxent River Commission, envision a Patuxent River ecosystem as vital and productive in 2050 as it was in the 1950s. We therefore commit to be stewards and advocates for the Patuxent River and to lead and inspire actions to protect, enhance, and restore living resources and the natural, cultural, economic, and recreational values of the Patuxent River and its watershed.

MEETING SUMMARY

January 11, 2017

Maryland Department of Agriculture

Annapolis, MD

4:00 p.m. - 6:00 p.m.

Members: Michael Leszcz (Chair), Mary Kay Sigaty (Vice Chair), Alison Armocida, Martin Chandler, Kelton Clark, Tom Farasy (for Guy Curley), Andrew Der, Luiz Dieguez, Jason Dubow, Jack Fringer, Erica Hahn, John Hartline, Sandy Hertz, Mike Hewitt, Mark Mendelsohn, Erik Michelsen, Thomas Miller, Jeanine Nutter (for Steve Darcey), Christopher Perry, Byron Petrauskas, Barbara Sollner-Webb, Sandy Spencer, Mark Symborski, Fred Tutman

MDP Staff: Jason Dubow and Daniel Rosen

Visitors: Scott Knoche, Morgan State University
Jay Lazar, National Oceanographic and Atmospheric Administration (NOAA)
Chris Judy, DNR
Rachel and Simon Dean, commercial watermen

Announcements

Mary Kay Sigaty told the Commission about a project on a Howard County dairy farm to restore 6,200 feet of degraded stream and create a planted riparian buffer on Cattail Creek, which lies at the headwaters of the Patuxent River and drains to WSSC's Triadelphia Reservoir. The effort is a partnership among Howard County, the WSSC, the farm owners, Howard Soil Conservation District, MDE, and MDA. This mitigation project provides stormwater credits for the parking lots at Lisbon School and other impervious surfaces.

Mike Leszcz said that dredging has been completed on the upper portion of Laurel Lakes. Laurel will apply for a grant to dredge the lower part of the lake and try to find ways to keep silt from moving from the upper lake to the lower lake.

Biennial Report

Jason Dubow asked the Commission for feedback and comments by January 25 on the draft biennial report, which is a report of the Maryland Department of Planning, and required by Maryland statute, that describes how the local governments and state agencies have implemented the *Patuxent River Policy Plan* during 2015 and 2016. He said the department plans to submit the report to the

Governor and General Assembly by March 1.

Approval of Minutes

The November minutes were approved unanimously.

Civilian Conservation Corp Volunteer to Assist the PRC during 2017-2018.

Daniel Rosen noted that the application is not up on the Chesapeake Bay Trust's website yet. He will follow up with a call to the organization if the application is not posted soon.

Legislative Bills of Interest to the Commission

Since the legislative session has just begun that day, Daniel Rosen said he could find only one bill that might interest the Commission: SB0029, Natural Resources – Forest Conservation Act – Forest Conservation Thresholds and Reforestation Requirements. The bill clarifies “that units of local government with planning and zoning authority may adopt specified forest conservation thresholds and reforestation requirements that are more stringent than specified forest conservation thresholds and reforestation requirements in State law.” Since counties are already allowed to make regulations more stringent, Mary Kay Sigaty said that it was unclear what the bill was trying to accomplish.

Mike Leszcz agreed. He added that in instances where trees are removed due to state projects, the local jurisdiction should be allowed to replace them by using fee-in-lieu dollars instead of waiting for the state to do it.

Erik Michelsen said that the legislature will likely introduce a bill to reverse the Governor's change in the regulations that previously required best existing technology for septic systems outside the Critical Area.

Patuxent River Oyster Management

Jason Dubow noted that the Patuxent River Commission's Scientific & Technical Workgroup (STWG) met in December 2016 to discuss the objectives for today's meeting related to Patuxent River oyster management.

Kelly Clark said that the STWG's objectives for today's meeting are for the Commission to provide guidance to the Calvert County Oyster Committee, which is one of several county oyster committees that have brought forward oyster management proposals to DNR's Oyster Advisory Commission (OAC). He noted there are multiple objectives for oyster management in the Patuxent River and the Chesapeake Bay, including private aquaculture, public fisheries for watermen, and ecological services provided by oysters and oyster reefs (e.g., habitat for a variety of invertebrates and fish, water filtering). The presentations today (from DNR, NOAA and the Calvert County Oyster Committee) would provide the Commission with helpful information and context.

According to the website of the OAC, “[t]hrough Natural Resources Articles 1-102, 1-105, and 4-204, Annotated Code of Maryland, the Oyster Advisory Commission has the duty of advising the Department on matters related to oysters in the Maryland's portion of the Chesapeake and Coastal Bays, and strategies for rebuilding and managing the oyster population in these areas under the Chesapeake Bay Oyster Management Plan.

“As outlined in HB 133, the OAC is charged with:

- providing DNR with advice on matters related to oysters;
- reviewing the best possible science and recommending changes to the framework and strategies for rebuilding and managing the oyster population in the Chesapeake Bay;
- reviewing the latest findings relevant to the Environmental Impact Statement evaluating oyster restoration alternatives; and
- reviewing any other scientific, economic, or cultural information relevant to oysters in the Chesapeake Bay.”

Chris Judy from DNR said that the OAC, formed in July 2016, is working on three tasks:

- Assess the success of the current large-scale oyster restoration projects in Maryland.
- Find two more Chesapeake Bay tributaries in which to establish large-scale oyster restoration projects, for a total of five.
- Recommend some adjustments to existing sanctuaries.

DNR reached out to county oyster committees and environmental groups for proposals about establishing new sanctuaries and modifying existing ones. Eight proposals were submitted. At present, about 24% of the area in oyster sanctuaries is “productive bottom.” If all the proposals were accepted, the figure would be 20%. Ideally, the “guardrail” figure for productive bottom as a percentage of total sanctuary should be 20% to 30%. Chris Judy showed maps of the current portions of the Patuxent River that are sanctuaries and the portions of the river that are either open to aquaculture or watermen (public fishery areas).

After Chris Judy answered several questions from the Commission members, Rachel Dean presented on the Calvert County Oyster Committee proposal, which includes proposed changes to three sanctuaries (Cedar Point, Calvert Bay and Holland Point), one of which (Holland Point) is in the Patuxent River. The Cedar Point Sanctuary in Calvert County was established in 2010 and has not been replenished with oysters since 1990. Of the population survey samples taken from the area in 2013, 98 percent contained no oysters. The Calvert Bay Shore Sanctuary was established in 2010 and has not been replenished. Population survey samples taken in 2015 showed no oysters in 92 percent of them. In 2012, 25,000 bushels of shells were removed from this area to be planted in public fishery areas. The Holland Bar Sanctuary was established in 2010 and experienced restoration plantings in 2009 and 2010. It was last opened for harvest in March 2011. Under the Calvert County Oyster Committee proposal, 267 acres in the three sanctuaries would revert back to the public fishery while no acres will be added to the sanctuaries. Rachel Dean said that the bottoms could be made productive. As part of the Committee’s proposal minimum of 15% of Calvert’s annual MDOT funds, oyster surcharge funds, and bushel tax would be invested in the areas for seed and shell planting. She also noted that even though the Holland Point area is within a sanctuary, its location near the DNR Natural Resource Police headquarters reduces the likelihood of poaching.

Mike Leszcz asked how many boats are oystering in the Patuxent; Simon Dean said there were forty with up to three people per boat.

Thomas Miller said that state actions affecting oysters ultimately depend on society’s goals: should the oyster population be restored to historical levels in order to clean the Bay? Should it be

maintained at a lower level that can sustain commercial and recreational harvesting? The citizens of Maryland will decide. Simon Dean said that he wants to remain an oysterman and would not want to do aquaculture. Jack Fringer noted that aquaculture is cost-intensive. Erik Michelsen said that Maryland is unusual among states in resisting oyster aquaculture for so long.

Jay Lazar, representing the National Oceanographic and Atmospheric Administration (NOAA), presented on the Harris Creek Case Study. Harris Creek is a tributary near the mouth of the Choptank River. According to the *Harris Creek Oyster Restoration Tributary Plan* of 2013, this project is part of the oyster outcome associated with President Obama's 2009 Executive Order 13508, "Chesapeake Bay Protection and Restoration." The Chesapeake Bay Program's Sustainable Fisheries Goal Implementation Team (GIT) was charged with advancing this goal. Harris Creek was selected as the first tributary for large-scale oyster restoration based on consideration of salinity levels, available restorable bottom, protection from harvest, historical spat set, and other factors.

NOAA's goal is to restore the oyster population and the environmental services they provide in ten tributaries by 2025. Jay Lazar explained some restoration metrics: at the potential restoration site, 50 to 100 percent of the restorable bottom should equal 8 percent of the historic oyster bottom; if greater than five oysters per square meter are found, just seeding should be done; for fewer than five oysters per square meter, a reef should be constructed. The restoration of about 350 acres along Harris Creek required over two billion seed oysters. Jay Lazar provided preliminary data that stone reefs have shown three times greater density than other reefs. He added that oyster biomass has increased significantly in the Choptank River.

Jason Dubow asked what the Patuxent River Commission or the STWG should do next. Kelton Clark noted that the Patuxent River will not be chosen for one of the two remaining Maryland large-scale oyster restoration projects, but he did say that the Commission could indicate whether it supports (or not) the Calvert County Oyster Committee proposal.

Chris Judy said that for the February 13 OAC meeting, DNR will put together a strawman proposal derived from the county proposals and that the Commission's feedback to DNR would help them to finalize the strawman proposal. The Chair asked the STWG to meet again to discuss the Calvert County Oyster Committee proposal and to then present its recommended approach to the Patuxent River Commission at its February 8 meeting.

Open Floor

The next meeting of the Patuxent River Commission will take place on February 8, from 4:00-6:00 PM at the MDA.