



Citizens Advisory Committee

TO THE CHESAPEAKE EXECUTIVE COUNCIL

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December 7, 2015

Molly Ward

Secretary, Virginia Office of Natural Resources

Chair, Chesapeake Bay Program Principals' Staff Committee

1111 E. Broad Street

Richmond, VA 23219

Dear Secretary Ward,

Attached please find a letter the Citizens Advisory Committee (CAC) sent to the Chesapeake Bay Program's Oyster Expert Panel. The letter lists a few of the concerns the CAC has about using Oysters as a BMP for credit in the Bay Model and as an eligible practice for Nutrient Water Quality Trading.

We would be happy to meet with you and your staff to discuss this further. We welcome you to join with us at our quarterly meeting in Northern Virginia on February 17-18, 2016 when we will continue our learning and discussion on this topic.

Thank you for your consideration and continued leadership for the Chesapeake Bay and rivers.

Sincerely,

Charlie Stek

Chair, Citizens Advisory Committee

cc: Russ Baxter, VA Deputy Secretary of Natural Resources for the Chesapeake Bay
Nick DiPasquale, Director, US EPA Chesapeake Bay Program
Jeff Corbin, EPA Senior Advisor for the Chesapeake Bay and Anacostia River



Jessica M. Blackburn, CAC Coordinator
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December 7, 2015

Ward Slacum

Co-Coordinator, Oyster BMP Expert Panel

Director of Program Operations

Oyster Recovery Partnership

1805 A Virginia Street

Annapolis, MD 21401

Dear Mr. Slacum,

Thank you for meeting with the Citizens' Advisory Committee (CAC) to discuss the Chesapeake Bay Program's (CBP) Oyster Best Management Practice (BMP) Expert Panel (Panel) on November 19, 2015. Your presentation was helpful as we review the CBP's work to consider the potential for oysters to be credited as a BMP in the Chesapeake Bay Model toward meeting the Bay TMDL.

As you know, our members spent the majority of the CAC agenda hearing from scientists and other experts about oyster restoration and their ecosystem services. We learned that:

- a. The nutrient reduction capacity of oysters is extremely difficult to determine and verify, as highlighted in the Scientific and Technical Advisory Committee (STAC) report, *Evaluation of the Use of Shellfish as a Method of Nutrient Reduction in the Chesapeake Bay*.
- b. There is much uncertainty regarding denitrification rates. While denitrification rates in well-established reef systems may be high, replicating these rates through restoration efforts is incredibly difficult and not dependable as in-water BMPs because oysters are vulnerable natural organisms. Denitrification rates in aquaculture settings can be quite low to the point of exacerbating nutrient problems in some estuaries.
- c. There are serious issues of scale. According to VIMS, in the Lynnhaven River alone nearly 50 million oysters and their shells would have to be **permanently removed** from the water **every year** just to meet **1%** of the required nutrient reduction. Not only is the scale of this problematic and unrealistic, but this practice also exacerbates the oyster shell shortage that challenges oyster reef restoration.



Chesapeake Bay Program
A Watershed Partnership

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- d. High-intensity oyster aquaculture may pose serious un-intended consequences to the Bay and could undermine the progress we had made and the millions of dollars spent to date restoring native oysters. These large-scale culturing operations have the potential to spread diseases and parasites to nearby native oysters and restoration projects.

While CAC supports efforts to restore native oyster populations and to promote oyster aquaculture in the Chesapeake watershed as an iconic species, food source, and for its habitat and other ecosystem values, we are concerned about whether oysters are appropriate BMPs for Water Quality trading. We plan to continue following this issue and the work of the Oyster Expert Panel very closely and welcome you and members of the panel to attend and participate in our February 17-18, 2016 meeting in Northern Virginia. We are particularly interested in hearing and learning more about how denitrification will be verified for any oyster BMP(s) that this Panel may recommend be credited toward meeting the Bay TMDL.

In keeping with the National Academies of Science (NAS) Expert Panel guidelines and our understanding of the CBP's *Protocol for the Development, Review, and Approval of Loading and Effectiveness Estimates for Nutrient and Sediment Controls in the Chesapeake Bay Watershed Model*, we also encourage the Panel to solicit and accept additional stakeholder comments throughout the Panel's process. CAC Vice-Chair, Paula Jasinski, submitted written comments during the November 2, 2015 Stakeholder Session. However, in view of the serious issues, scientific uncertainties, and potential risks to Chesapeake restoration efforts associated with potentially crediting oysters as a BMP in the Chesapeake Bay Model toward meeting the Bay TMDL, we believe the Panel would benefit from additional stakeholder input.

Your attention to this matter is appreciated.

Sincerely,



Charlie Stek
Chair, Citizens Advisory Committee

cc: Rich Batiuk, Associate Director for Science, Analysis and Implementation, EPA CBPO
Jeff Cornwell, Chair Oyster BMP Expert Panel
James Davis Martin, Chair, Water Quality Goal Implementation Team
Lynn Fegley, MD Department of Natural Resources
Mark Luchenbach, Virginia Institute of Marine Science
Peyton Robertson, Chair, Sustainable Fisheries Goal Implementation Team



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