



Citizens Advisory Committee

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April 5, 2016

Nick DiPasquale
Director, Chesapeake Bay Program
410 Severn Ave, Suite 112
Annapolis, MD 21403

transmitted via email

Dear Nick,

During the Citizens' Advisory Committee (CAC) meeting on February 17-18, 2016 the CAC members discussed the Oyster BMP Expert Panel's (Expert Panel) draft Nutrient and Suspended Sediment Reduction Effectiveness Decision Framework (Decision Framework). CAC submitted a letter in response to the call for public input on the draft Decision Framework highlighting concerns about the potential risks, unintended consequences, and many unanswered scientific questions of moving forward with crediting oysters as BMPs and as such their potential use for water quality trading. This letter is to share with you some issues that we believe are critical to the Bay Program Partnership's consideration to use oysters as BMPs, but appear to fall outside the purview of the Expert Panel's charge.

- 1) As CAC stated at the March 16, 2016 Principals Staff Committee meeting, please develop an opportunity for robust public policy discussion on whether biological in-water BMPs can be used to replace or supplement BMPs on the land. The Expert Panel's charge is focused on reviewing scientific literature and offering recommendations based on their best professional judgement. In addition to scientific decisions, there are often policy implications that need to be thoroughly discussed before the Partnership proceeds with implementing new ideas on the ground and in the water. CAC believes that oysters as BMPs is one of those new ideas that needs to be examined from all sides. We would not want the crediting of oysters for the Bay Model to replace local on-the-ground BMPs that help to *prevent* pollution.
- 2) We are aware that there is high interest on behalf of some local governments and private companies that have formally requested the review of oysters as BMPs. We appreciate that the BMP Review Protocols are guiding the effort of the Expert Panel, but we also think it important for the States and EPA to help lower the expectations at the local level that may be driving the misperception that oysters are the "silver bullet" or low cost solution to meeting water quality targets for the TMDL.
- 3) Lastly, CAC recommends that with the help of the Bay Program Communications Office that the Partnership develop a simple factsheet on the findings of the Expert Panel, so local governments and the public can easily understand the basis of recommendations that will be forthcoming from the Expert Panel's work.

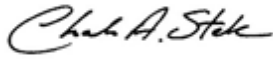


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Thank you for your continued leadership for the Chesapeake Bay and its Rivers. We appreciate your attention to the policy and communications issues mentioned above. Please feel free to contact us if you would like to discuss them further.

Sincerely,



Charles A Stek
Chair, Citizens Advisory Committee



Paula Jasinski
Vice-Chair, Citizens Advisory Committee

cc: Rich Batiuk, Associate Director for Science, Analysis and Implementation, EPA CBPO
Rachel Felver, Director of Communications, CBPO, Alliance for the Chesapeake Bay
James Davis Martin, Chair, Water Quality Goal Implementation Team, VA DEQ
Lucinda Power, Watershed Plan Specialist, EPA CBPO