

Roy Dyson
SENATOR



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401-1991

July 8, 2002

The Honorable C. Bernard "Bernie" Fowler
Chair
Patuxent River Oil Spill Citizens Advisory Committee
P.O. Box 459
Prince Frederick, MD 20678

Dear Bernie:

Thank you for your outstanding service as chair of the Patuxent River Oil Spill Advisory Committee. I am in receipt of your letter to the Natural Resource Trustees which makes several recommendations on how to commit financial resources to cleanup of the Swanson's Creek area and Patuxent River watershed that was damaged by 126,000 gallons of oil that spilled out of a ruptured pipeline at the Chalk Point facility in April 2000.

I appreciate the great work the committee, of which I am a member, has put into this letter of recommendation. However, there are some recommendations that concern me and other members of the community who have attended these meetings and read the recommendations.

As you may have already guessed, my main concern is that substantial funding is going towards restoring a breeding area for ruddy ducks in the Midwest prairies? Sadly, 553 ruddy ducks were killed due to the oil spill. However, the ruddy duck is not an endangered species. I do not understand why we are spending money in a different part of the country that will not benefit the area directly affected by the oil spill. All of this money should be spent restoring the wetlands and recreational activities that were destroyed or hindered by the oil spill.

Simply put, why are we putting money in the Midwest? Let the Federal Government do this.

Instead of restoring the Midwest Prairie Pothole area, wouldn't that money be better spent restoring still-damaged wetlands in areas such as Golden Beach in St. Mary's County and Seagull Beach in Calvert County. These areas were especially hard hit by the spill.

Again Bernie, thank you for all of your efforts in leading this Committee. I believe with a few modifications to the Trustees' recommendations, we can make this a report we can all live with and be pleased to present to the public.

Sincerely,

A handwritten signature in black ink that reads "Roy".

Maryland Senator Roy Dyson

cc: Mr. Jim Hoff, NOAA Damage Assessment Center

Document ID Number: 2087

AR: Chalk Point Oil Spill

Title: Letters (8 July 2002 MD Sen. Roy Dyson to the Hon. C. Bernard Fowler, and 26 July 2002 MDNR reply), re: Ruddy duck restoration



Parris N. Glendening
Governor

Kathleen Kennedy Townsend
Lt. Governor

Maryland Department of Natural Resources

Tawes State Office Building
580 Taylor Avenue
Annapolis, Maryland 21401

J. Charles Fox
Secretary

Karen M. White
Deputy Secretary

July 26, 2002

The Honorable Roy Dyson
The Senate of Maryland
Annapolis MD 21401-1991

Dear Senator Dyson:

We are writing this letter to personally respond to the concerns you have raised regarding proposed mitigation for ruddy duck losses that occurred as a result of the PEPSCO oil spill. As you know we are two of the four Natural Resource Damage Assessment Trustees for the PEPSCO oil spill. It is the Trustees' responsibility to assess damage to public resources caused by the oil spill and determine appropriate restoration to compensate for losses or injuries caused by the spill.

We both take this responsibility very seriously. We understand our role as Maryland's representatives on this panel and we appreciate the importance of this effort to the citizens of this State. Therefore, we wanted to take this opportunity to personally address your concerns regarding the Trustees' recommendations for ruddy duck restoration.

In both your letter to Senator Fowler and your press release regarding the Trustees' draft Damage Assessment Restoration Plan you expressed concern that ruddy duck restoration is being proposed in the midwest prairie pothole region of the country which not only is outside of the area affected by the spill, but outside of the State as well.

Frankly, when we first reviewed this proposal we both had serious reservations for the same reasons you raised. However, we have come to support the project for the following reasons:

1. 80% of the birds injured by the spill were ruddy ducks
2. The Federal Oil Pollution Act (OPA) is the authority under which the Trustees operate, and OPA makes it clear that the Trustees are to restore the injured resources where possible
3. The Trustees have an obligation and responsibility to implement a restoration project that will compensate for the lost ruddy ducks
4. Due to the life cycle of ruddy ducks, there are NO projects that can be executed in Maryland to directly restore the migratory ruddy duck population
5. The breeding habitat restoration project being recommended will promote the return of migratory ruddy ducks to Maryland.

Telephone: 410-260-8100
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The Honorable Roy Dyson

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The Trustees spent many meetings and many hours discussing point number four above. We deliberated among ourselves and we also consulted with local and national wildlife biologists and experts on the issue. Clearly the Trustees' preference would have been to direct and implement a ruddy duck restoration project in the spill zone, or at least within the State of Maryland, if such an option was available to us... but it was not.

The biology of the ruddy duck is such that it breeds in the Prairie Pothole Region of the country. Ruddy ducks are a transient species in Maryland and they simply pass through and rest on our waters during their migratory flights. They do not use our wetlands for breeding or our submerged grasses for feeding. Therefore, the types of local projects that you and others have offered as preferred alternatives for ruddy duck restoration such as creation of wetlands, shoreline stabilization and restoration of submerged grasses would have no impact whatsoever on the ruddy duck population.

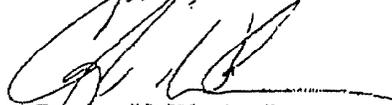
You and others have recommended that the Trustees redirect the Prairie Pothole Project money back into Maryland. It is very important that you understand that under OPA this issue is not about money... it is about restoring the injured resources. In this case, it is about restoring the ruddy ducks lost as a result of the oil spill. Therefore, the only way that this "money" could be redirected back into Maryland would be for us to find another restoration project to execute in Maryland to increase the ruddy duck population. As described above, no such option exists.

It is also important to understand that the Prairie Pothole Project will in fact provide benefits to Maryland by enhancing populations of many species of migratory waterfowl that come here throughout the fall, winter and spring. Loss of nesting habitat has been identified as the main reason for the historical decline of populations of North American waterfowl, including ruddy ducks. The Prairie Pothole Region is the most productive breeding habitat in North America for waterfowl, producing up to 70% of the continent's waterfowl! Therefore, not only will Maryland benefit from increased numbers of ruddy ducks, but protection of this critical nesting habitat will also enhance populations of mallards, gadwall, northern pintail, American wigeon, northern shoveler, green-winged teal, lesser scaup, canvasback and redhead ducks which also visit our waters throughout the migratory seasons.

Hopefully, this helps better explain why the Trustees are recommending the Prairie Pothole Project as the preferred option for ruddy duck restoration. Please feel free to call Carolyn at 410-260-8113 or Bob at 410-631-3567 if you would like to discuss this further. Additionally, we would be happy to personally meet with you regarding this issue if you so desire.

We appreciate your interest and feedback. Thank you for all of your efforts and involvement with the oil spill. You have been a leader in this effort and we look forward to continuing to work with you.

Sincerely,



Carolyn V. Watson
Assistant Secretary

Sincerely,



Dr. Robert Summers, Director
Water Management Administration
MD Dept. of the Environment

cc: Beth McGee, NRDA Trustee, USFWS
Jim Hoff, NRDA Trustee, USFWS
Bernie Fowler, Chair, Oil Spill Citizens Advisory Committee