



CHESAPEAKE BAY FOUNDATION

Environmental Protection and Restoration
Environmental Education

House Bill 1231

Natural Resources – Fisheries – Oyster Management

Date: March 6, 2024

To: Environment & Transportation Committee

Position: **Opposed**

From: Allison Colden

MD Executive Director

Chesapeake Bay Foundation (CBF) **OPPOSES** HB 1231 which would repeal a prohibition that the Department of Natural Resources (DNR) may not alter existing oyster sanctuary boundaries until the Department adopts an updated oyster management plan. While DNR recently adopted an updated plan, it fails to meet the statutory requirements of Nat. Res. §4-215; therefore, it is inappropriate to remove sanctuary protections until DNR revises the oyster management plan to meet the standards listed.

Currently, Nat. Res. §4-215 requires that DNR's oyster management plan end overfishing, achieve target fishing rates, increase oyster abundance, increase oyster habitat, and facilitate the long-term sustainable harvest of oysters. DNR's current Oyster Management Plan (OMP) fails to meet these requirements.

The OMP currently utilizes season limits, bushel limits, shell repletion, stock enhancement, and area closures for managing oyster fisheries, which have failed to prevent or end overfishing. A 2007 study found "no evidence that the regulations considered have restricted harvests below the common property equilibrium." Under this management framework, the fishery operates as if it is entirely unregulated. Further, the study indicates that fishing effort under this open-access paradigm is associated with diminishing oyster stocks and that the economic incentives that motivate stock decline are still in place today. DNR's annual oyster stock assessment update from 2023 indicated that 9 areas are experiencing overfishing and several areas, including Tangier Sound, St. Mary's River, and the Patuxent River have experienced 5 years or more of unsustainable harvest.

Because the statutory requirements of this section have not been met, it is premature and ill-advised to remove sanctuary protections, as HB 1231 would require.

Further HB 1231 would expand the areas eligible for power dredging to include Eastern Bay. This was not included in the consensus recommendations from the Oyster Advisory Commission which specifically addressed management in Eastern Bay. Additionally, there is currently an ongoing process, led by the Oyster Recovery Partnership, with participation from DNR and many diverse stakeholders to provide specific recommendations on oyster management for Eastern Bay. This bill would usurp that process while expanding the use of the most damaging oyster harvest method.

CBF urges the Committee's UNFAVORABLE report on HB 1231.

For more information, please contact Matt Stegman, Maryland Staff Attorney, at mstegman@cbf.org.

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