

Testimony before the
House Environment and Transportation Committee
March 1, 2023

House Bill 932
Position: **OPPOSE**

Dear Chairman Barve, Vice Chairman Stein, and Members of the Committee:

We, the undersigned organizations and individuals, respectfully request an unfavorable report from the House Environment and Transportation Committee on House Bill 932. This bill would require the Department of Natural Resources (DNR) to create a rotational harvest program in two oyster sanctuaries, including one of Maryland's five restoration tributaries, the Little Choptank River.

Maryland's oyster sanctuaries were put in place in 2010 as part of a comprehensive, three-pronged approach to recover oyster populations. It was clear at the time of their inception that current management strategies were not working, as oyster populations had plummeted to a minute fraction of their historic levels. The recovery of oysters and their many benefits depends on a long-term strategy that will produce tangible gains in reproductive capacity, disease resistance, and habitat regeneration, all of which sanctuaries help achieve.

By protecting these restoration sanctuaries from harvest, oysters grow to a large size, greatly increasing their reproductive output, sending larvae to areas far afield of the sanctuary. When oysters are challenged with disease, the survivors are left to reproduce, conferring the unique qualities that allowed for their survival to the next generation. Over time, this natural process can produce genetic resistance to disease, as has been observed in Virginia. No-harvest sanctuaries also help ensure that oyster habitat is protected from destructive harvesting techniques, like power dredging, that damage the structural habitat and levels three-dimensional oyster reefs. Directing harvest in these areas, as is required by House Bill 932, undermines these goals and greatly reduces the probability that this suite of critical ecological benefits could be fully achieved.

Additionally, this bill removes statutory protections for the Little Choptank River, a measure passed by this body in 2019, to ensure the fulfillment of Maryland's obligation to the Oyster Outcome in the 2014 Chesapeake Bay Watershed Agreement, which states:

“Continually increase finfish and shellfish habitat and water quality benefits from restored oyster populations. Restore native oyster habitat and populations in 10 tributaries by 2025 and ensure their protection.” [emphasis added]

Oyster sanctuaries, by their definition, are areas left untouched by harvest. They serve an important ecological function that simply cannot be achieved when subjected to the continual disturbance, removal of adult oysters, and disruption and degradation of habitat associated with oyster harvest. DNR suggested that at least 20-30% of productive oyster habitat be set aside from harvest in sanctuaries to achieve these ecological goals. Any investigation of the merits of a rotational harvest program can be determined in areas currently open to oyster harvest, allowing Maryland's oyster sanctuaries to continue to provide the critical benefits that harvested areas simply cannot.

We urge the Committee to provide an unfavorable report on House Bill 932 and thank you for your consideration.

Sincerely,

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