



Testimony in Opposition of House Bill 932 – Oysters – Rotational Harvest – Pilot Program

February 27, 2023

Dear Chairman Barve and members of the Environment and Transportation Committee,

ShoreRivers respectfully requests an unfavorable report from the committee on HB932 as it attempts to force the Maryland Department of Natural Resources (DNR) to permit the harvesting of oysters in the Little Choptank River oyster sanctuary. We have worked with the communities on the Eastern Shore for more than a decade on actively restoring the depleted oyster population through educating adults and youth on the water quality benefits of oysters, managing hundreds of oyster gardeners, raising funds for large-scale oyster plantings, and advocating for state and federal resources for restoration efforts. **We believe that HB932 is not necessary and will negatively impact oyster restoration efforts for the following reasons:**

1. HB932 will jeopardize Maryland’s commitment to meeting the oyster restoration goals of the Chesapeake Bay Agreement. Oyster sanctuaries were established in Maryland in 2010 by DNR as part of the Chesapeake Bay Agreement with the understanding that 20–30% of the oyster’s habitat needs to be protected from harvest pressure in order for the depleted oyster population to recover. Along with Virginia, Maryland agreed to restoring the oyster population in five major tributaries by 2025, which led to the development of the five oyster restoration sanctuaries—including the Little Choptank River—where harvest pressure to the entire river above a certain area was eliminated, and intense restoration and monitoring was undertaken by local, state, and federal partners.

2. Restoration efforts, without harvest pressure, in the Little Choptank River are proving successful. The [2021 Maryland Oyster Monitoring Report](#) shows that the restoration efforts in the Little Choptank River are successful and the oyster reefs are meeting all of the metrics for size, quantity, and multiple age classes of oysters. The report concludes with a caution that while the monitoring data looks good for the long-term sustainability of the oyster population in the restoration sanctuaries, several factors could affect success including water quality, disease, funding for maintenance, and poaching, or illegal oyster harvesting.

3. HB932 will undermine the enforcement efforts put toward protecting the successful oyster restoration projects in the Little Choptank River. When selecting the five tributaries as restoration sanctuaries in 2010 there was a lot of consideration for how to best protect the investment in restoration and ensure that the sanctuaries remained free from harvest pressure. This led to DNR developing a boundary line for the sanctuaries straight across the mouth of the tributary and designating everything upriver from that line as the restoration sanctuary. Figure 1 is included below showing the boundary line for the Little Choptank River sanctuary. This approach made it possible to determine if oyster harvesting was occurring inside or outside of the sanctuary, and to enforce those restrictions. Figure 2 is included to show where the restoration projects are and their proximity to the upstream creeks that HB932 attempts to open for harvest. **Allowing harvesting upriver of the sanctuary boundary will require more resources and a greater on-the-water presence by Maryland Natural Resources Police who will face a harder challenge in preventing poaching from restoration reefs.**

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4. The creeks to be opened for harvest under HB932 often experience harmful levels of bacteria pollution, putting the oysters harvested in that area at risk for contamination. The Maryland Department of the Environment (MDE) measures bacteria pollution around shellfish harvest areas as oysters are often eaten raw and consuming raw shellfish contaminated with fecal bacteria can cause illness. If high bacteria levels are found over a 30-month testing period, MDE will determine the area to be “conditionally approved” or “restricted” for shellfish harvesting. Conditionally approved means harmful bacteria levels are likely to exist in the water following a major rain event, and therefore harvesting in those areas after significant rain is prohibited. An area designated as restricted means harmful bacteria levels persist and shellfish harvesting is prohibited. **Of the creeks that HB932 attempts to open for harvest, Woolford Creek is restricted for shellfish harvesting and all of the other creeks are only conditionally approved for shellfish harvesting (see Figure 3), making it potentially dangerous to allow oyster harvesting to occur.**

5. HB932 is not necessary to pilot the effectiveness of rotational harvest methods. Interest in rotational harvest has increased over recent years as a potentially viable method to allow the oyster population on a reef to rebound for a period of time after experiencing harvest pressure. **This management strategy can occur under existing laws and regulations on public oyster bottom, therefore piloting it in the Little Choptank River is not necessary.**

Restoration in Maryland’s oyster sanctuaries is showing success and efforts, such as HB932, to undermine that progress should be prevented. We ask that the committee provide an **unfavorable report** for this bill.

Sincerely,



Matt Pluta, Choptank Riverkeeper on behalf of ShoreRivers

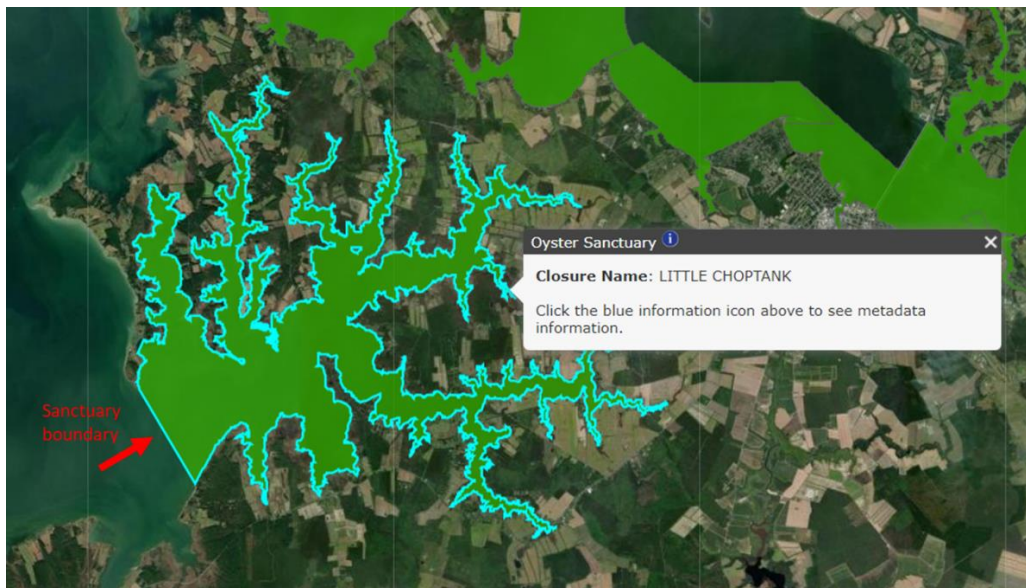


Figure 1: A map showing the boundary line for the Little Choptank River sanctuary.

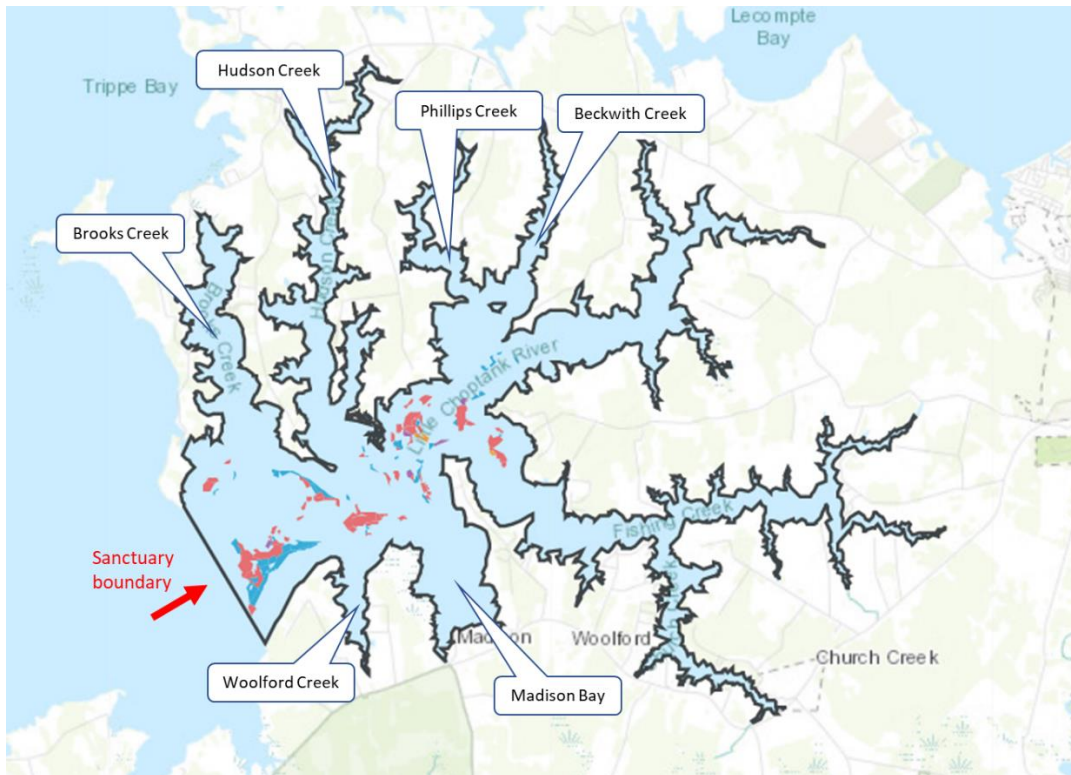


Figure 2: A map showing the location of the restoration reefs as colored polygons in relationship to the creeks proposed to be open to harvest under HB932.

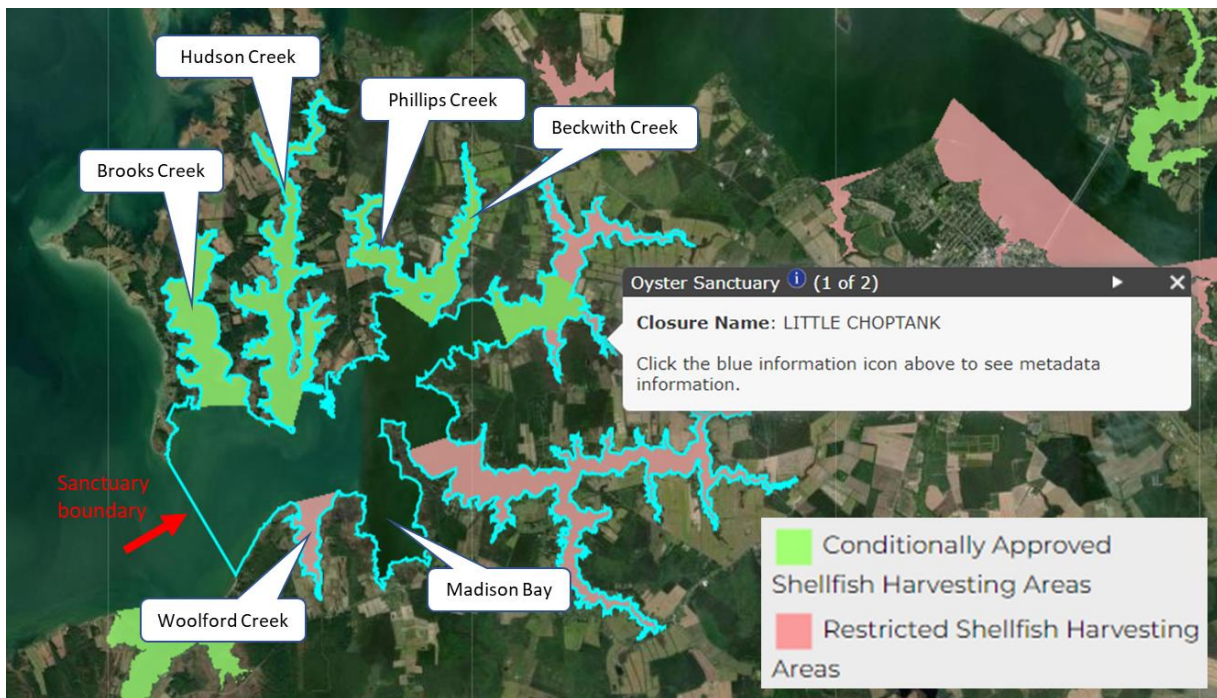


Figure 3: A map showing the creeks proposed to be open to harvest under HB932 and their status as "Conditionally Approved" and "Restricted" for shellfish harvesting.