



Wes Moore, Governor
Aruna Miller, Lt. Governor
Josh Kurtz, Acting Secretary
Allan Fisher, Deputy Secretary

March 1, 2023

BILL NUMBER: House Bill 932 – First Reader

SHORT TITLE: Oysters - Rotational Harvest - Pilot Program

DEPARTMENT'S POSITION: Letter of Information with Amendments

EXPLANATION OF DEPARTMENT'S POSITION:

The Department would like to provide a letter of information for HB 932 with amendments.

The bill designates areas in the Little Choptank River and the Lower Main Stem Chesapeake Bay as available for a rotational harvest pilot program and requires the Department to allow wild oyster harvest within certain creeks within the Little Choptank River and certain oyster bars within the Lower Main Stem Chesapeake Bay during specified harvest seasons. The area that the bill refers to as the Little Choptank Rotational Harvest Area is one of the five oyster sanctuaries identified for large-scale restoration and off limits to oyster harvest under Natural Resources Article § 4-1014. The area identified in the bill as the Lower Main Stem Chesapeake Bay Rotational Harvest Area is also currently an oyster sanctuary off limits to wild oyster harvest pursuant to COMAR 08.02.04.15 and Natural Resources Article § 4-1014(c)(2)(ii).

The Department supports the bill's intent of conducting a pilot program to investigate approaches to the rotational harvest of oysters as a management measure, but does not support doing so in sanctuaries that have or are currently undergoing restoration, nor in sanctuaries that are performing well in meeting their stated objectives. Large-scale oyster restoration in the Little Choptank River sanctuary is ongoing, and the Department is working with other State and federal agencies and stakeholders to implement the blueprint restoration plan for that project. Allowing wild oyster harvest within the boundaries of the Little Choptank River sanctuary would not be compatible with the administration of that restoration plan. The Department has not developed criteria for assessing whether rotational oyster harvest is compatible with restoration in sanctuaries. An oyster sanctuary is, by definition, an area where oysters are free from harvest pressure. A pilot program would allow the Department to explore this approach as long as it also has appropriate safeguards (ex. limited geographic scope and duration) to protect the purpose and goals of the sanctuary program, and is conducted in sanctuaries that are not fully performing in all their stated objectives.

The Department will work with the bill's sponsors to draft amendments that meet the bill's intent of exploring the utility of rotational harvest as a management measure while addressing the Department's concerns by:

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- a) Deleting current bill language referencing use of areas within the Little Choptank River and Lower Main Stem Chesapeake Bay oyster sanctuaries as sites for the pilot program, and
- b) Adding bill language that charges the Department with:
 - i. Identifying current sanctuaries that a) are not currently receiving restoration investments, b) have not received restoration investments in the past, and c) are not performing well at meeting the six objectives of the sanctuary program as reported in the most recent “Oyster Management Review”, for possible inclusion in the pilot program,
 - ii. Identifying similarly sized areas currently open to oyster harvesting that are geographically adjacent to the identified sanctuaries for possible inclusion in the pilot program,
 - iii. Working with the Oyster Advisory Commission to develop a scientifically robust Rotational Harvest Pilot Program that a) minimizes the geographic area and duration of the pilot program while maintaining scientific integrity, b) incorporates approximately equally sized areas of both sanctuaries and areas currently open to oyster harvest, and c) clearly identifies metrics for assessing the utility of rotational harvest as a conservation and management approach, and
 - iv. Implementing the Rotational Harvest Pilot Program for a defined period of time within the Department’s authority provided in Natural Resources Article, § 4-215 and as recommended by the Oyster Advisory Commission

BACKGROUND INFORMATION:

None.

BILL EXPLANATION:

The bill, as drafted, would charge the Department to work with the Oyster Advisory Commission to develop a Rotational Harvest Pilot Program and then implement the program for a specific period of time to assess its value as a conservation and management approach.