



CHESAPEAKE BAY FOUNDATION

Senate Bill 875 Oysters - Rotational Harvest - Pilot Program

Date: March 10, 2026

To: Education, Energy, & the Environment Committee

Position: **OPPOSED**

From: Dr. Allison Colden,
MD Executive Director

Chesapeake Bay Foundation (CBF) **OPPOSES Senate Bill 875** which directs the Department of Natural Resources (DNR) to establish a 'pilot program' to allow harvesting of oysters in 56,401 acres of protected oyster sanctuary. This includes harvest in Herring Bay, one of Maryland's next large-scale oyster restoration sanctuaries, which is slated to receive significant federal and state investment to fulfill Maryland's obligation to restore 1,100 acres of oyster habitat per the revised 2025 Chesapeake Bay Watershed Agreement.¹

Maintaining 20-30% of oyster habitat in sanctuary is critical to oysters' long-term viability.

Senate Bill 875 establishes a pilot program for harvesting in four oyster sanctuaries, the Lower Chester River, Lower Choptank River, Herring Bay, and Lower Mainstem. Sanctuaries, by their statutory and regulatory definition, are areas where oyster harvest is not permitted. The reason for establishing these no-harvest areas is the recognition by DNR and the greater scientific community that no-harvest areas are a critical management tool for protecting habitats and reproductive populations in exploited species.² According to DNR, "protection of... productive oyster bottom is in line with recommendations of the best available science and is a prudent step toward ensuring the long-term sustainability of Maryland's oyster resource."³ Further, DNR states the purpose of sanctuaries is to "protect broodstock, enhance natural recruitment, encourage disease tolerance through natural selection, and provide ecological services such as water filtration and habitat for other species."⁴ Similar to Maryland's 30X30 land preservation goals defined by the Maryland the Beautiful Act,⁵ the oyster sanctuary network is designed to protect 20-30% of oyster habitat. SB 875 would reduce Maryland's sanctuary network from 24% of protected oyster habitat to 15.7%.

Implementing rotational harvest oyster sanctuaries would directly contradict several provisions of the 2019 Maryland Oyster Management Plan. Removing sanctuary protections for these areas would result in a reduction in the number of Maryland's 'best bars' that are included in sanctuaries to less than 50%, undermining a primary objective of the management plan.⁶

Oyster sanctuaries produce dividends for Maryland's oyster fishery.

Since the establishment of Maryland oyster sanctuary network in 2010, the number of adult oysters in Maryland waters has tripled. According to the latest oyster stock assessment, two sanctuaries have seen a fivefold increase in oyster population since oyster restoration efforts began after 2010. In the Little Choptank sanctuary, an estimated 100 million adult oysters pre-restoration increased to 500 million, while a

¹ Chesapeake Bay Program (2025). Chesapeake Bay Watershed Agreement. Available [online](#).

² World Conservation Union (IUCN) (2004). The Durban Action Plan March 2004. Available [online](#).

³ Maryland Department of Natural Resources. (2016). Rationale for Maryland's Oyster Sanctuary Range of 20-30%. Available [online](#).

⁴ Maryland Department of Natural Resources (2019). Maryland Chesapeake Bay Oyster Management Plan. Available [online](#).

⁵ Maryland Department of Natural Resources (2023). Maryland the Beautiful Act. Available [online](#).

⁶ Maryland Department of Natural Resources. (2021). Oyster Management Review 2016-2020. Available [online](#).

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population of 40 million in the Harris Creek sanctuary in 2010 grew to 200 million after restoration was completed. In the Tred Avon River sanctuary, the population increased by about four times, from 40 million to 175 million.

Restored oyster reef habitat is expected to increase blue crab harvest by 160%, resulting in an increase in direct sales of \$10 million annually with an additional \$20 million in induced economic benefits. Restored reefs also remove excess nutrients, an ecosystem service that has been estimated at \$3 million annually in Harris Creek. Since oyster sanctuaries have been established, oyster harvest has reached levels not seen since the 1980s. Thus, economic benefits of oyster sanctuaries extend far beyond the sanctuary boundaries and beyond oysters.

Removing sanctuary protections undermines private investment in restoration.

For more than 20 years, CBF has conducted oyster restoration in sanctuary areas throughout Maryland (see Appendix). With the support of private donors, CBF plants tens of millions of oysters annually in Maryland tributaries with the expectation from our donors and funders that these oysters will help improve the Bay ecosystem by filtering water, building 3-dimensional habitat, and supporting fisheries. CBF and our funders have made these investments with the assurances from the State that these investments would be protected from harvest. In fact, during the establishment of the oyster sanctuary network in 2010, CBF investment was considered a qualifying criteria for areas to be designated as sanctuaries.

Recently, oyster restoration has been approved by the Environmental Protection Agency's Chesapeake Bay Program as an approved best management practice for removal of excess nutrients from the Bay. Through biochemical processes, oyster reefs remove excess nitrogen from the water at rates far exceeding removal rates via harvest. This opens up the potential for significant private investment in restoration to help the State and local governments meet their watershed implementation plans (WIPs) required by the Chesapeake Bay Clean Water Blueprint. However, this approved practice requires restoration plantings be protected from harvest. If sanctuary status cannot be assured, Maryland will miss out on tens of millions of dollars of private investment in meeting our clean water goals.

DNR has the authority to implement rotational harvest in open harvest areas without legislation.

Meanwhile, 76% of Maryland's oyster bottom is currently open to oyster harvest where such pilot programs could be easily and immediately implemented. Because DNR can open and close harvest bars via public notice, a rotational harvest pilot program like that prescribed by HB 1388 could be initiated in any area currently open to oyster harvest in 48 hours and would be consistent with the goals of the oyster management plan.

CBF urges the Committee's UNFAVORABLE report on HB 1388.

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

APPENDIX

