

Testimony of the Advocates for Herring Bay (AHB)ⁱ
 Regarding SB 875—Oysters—Rotational Harvest—Pilot Program
 Submitted by Kathleen Gramp, March 6, 2026

Unfavorable

The Advocates for Herring Bay (AHB) oppose provisions in SB 875 that would allow rotational harvests on the Holland Point Bar in the Herring Bay Oyster Sanctuary.

Herring Bay does not need a pilot program of rotational harvests to kick-start investments in oyster restoration. Over 96 million juvenile oysters have been planted in Herring Bay since 2023, and it was selected by the Department of Natural Resources (DNR) as one of the state’s next “big three” large-scale restoration sites. In fact, DNR expects Herring Bay to be the largest oyster restoration site in the state thus far. At that size, it may account for over half of the state’s 2040 goal for new oyster habitat under the Chesapeake Bay Watershed Agreement (Bay Agreement).

AHB has a direct interest in SB 875, having spearheaded a community-funded oyster restoration project that accounts for about 10 percent of the total Sanctuary plantings since 2023. We oppose SB 876 because it would:

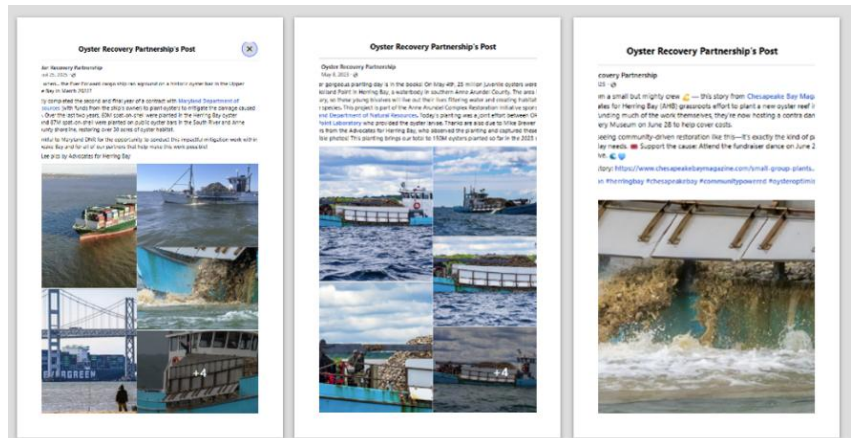
- delay and increase the cost of the large-scale restoration planned for Herring Bay, jeopardizing Maryland’s ability to meet its oyster habitat goals under the Bay Agreement;
- discourage community funding for sanctuary projects across the Bay by removing sanctuary protections and eroding trust in Maryland’s commitments; and
- harm the Herring Bay watershed by delaying ecologically beneficial investments.

AHB urges the Committee to give SB 875 an unfavorable report. The information below provides context for our opposition, including descriptions of past and planned oyster restoration efforts in Herring Bay, the Sanctuary’s role in achieving Maryland’s commitments under the Bay Agreement, and the harm posed by SB 875 to successful restoration.

Background on Herring Bay

Recent restoration initiatives. Herring Bay is a sub-bay on the western shore of the Chesapeake that has a history of oyster abundance before the onset of overharvesting and disease. It was designated as an Oyster Sanctuary in 2010, but there was no investment in restoration until two local community groups—AHB and the Chesapeake Beach Oyster Cultivation Society—took the initiative to plant spat-on-shell on DNR-approved sites.

After documenting the success of a small test site in 2023,ⁱⁱ community volunteers invested hundreds of hours and tens of thousands of our hard-earned dollars to plant 10 million juvenile oysters on a sanctuary site.ⁱⁱⁱ DNR has planted 86.5 million juvenile oysters in Herring Bay since 2023, about a third of which are on the Holland Point Bar.^{iv} Together, DNR and AHB planted a total of 96.5 million juvenile oysters, as shown in these media posts by the Oyster Recovery Project (ORP).



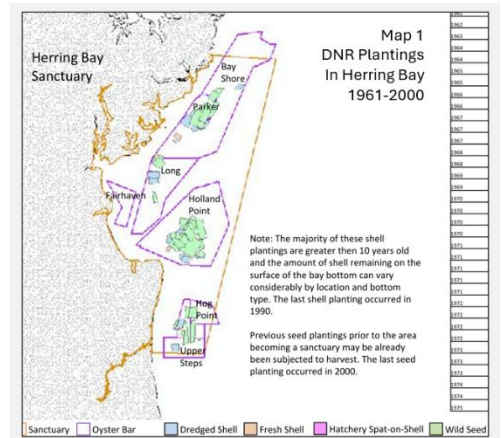
Large-scale restoration plans. In 2024, DNR chose Herring Bay as one of three new sites for large-scale oyster restoration.^v That selection reflects Herring Bay’s abundance of hard bottom for reef habitat, relatively low risk of disease, and a location that could supply oyster larvae to other parts of the Bay. Given those features, DNR noted that the scale of restoration in Herring Bay could be larger than at the initial five tributary sites, the largest of which was 455 acres.

DNR is currently in the process of obtaining federal permits and the U.S. Army Corps of Engineers is conducting studies to implement the Herring Bay plan. Community groups like AHB will continue to partner with DNR to restore oyster habitat, but only if the state preserves Herring Bay’s status as a protected sanctuary.

Importance of Herring Bay and Holland Point to the Chesapeake Bay Agreement

Oysters. Herring Bay is a linchpin of Maryland’s oyster restoration commitments under the 2025 Bay Agreement. That agreement calls for restoring 2,000 acres of oyster reef habitat by 2040,^{vi} with Maryland probably contributing at least half of that multi-state total. Herring Bay alone could provide close to half of Maryland’s total if its restoration reaches the scale assumed by DNR.

Reaching the Herring Bay target will depend, in turn, on restoring oysters on the Holland Point Bar. Holland Point is one of the Sanctuary’s largest Yates Bars and accounted for about two-thirds of DNR’s seed plantings in Herring Bay from 1961-2000 (see Map 1).^{vii} AHB’s own surveys have confirmed the continued presence of favorable bottom on Holland Point for planting oysters.



Habitat. Herring Bay could play a vital role in meeting the Bay Agreement’s qualitative goals for improving “tidal shallow water fish habitat” and providing “ecosystem services benefits.”^{viii} It is an ideal candidate for ecological investments for the same reasons it was designated by DNR and EPA as one of the state’s first two “No Discharge Zones”: its shallow waters and beaches provide important habitat for not only fish and crabs but also shorebirds, waterfowl, horseshoe crabs, and terrapins.^{ix}

Impacts of SB 875

SB 875 would override current law to open the Holland Point Bar for harvesting despite its status as a Yates Bar in a sanctuary.^x It would establish two cycles for harvesting, one starting in the 2026/2027 oyster season and another in the 2029/2030 season. DNR would be directed to collect data on the area’s water quality, habitat conditions, and features like sedimentation before and after the pilot program.

SB 875 is effectively a stop-work order on DNR’s efforts to begin large-scale restoration in Herring Bay. It would force DNR to devise new restoration plans and incur significant costs to implement the rotational harvesting program.^{xi} Harvesting may continue beyond 2030 to allow oysters to reach market size.

Disrupting the timeline for DNR’s large-scale plantings and impeding access to Holland Point would be a major setback not only for oyster restoration but for achieving Maryland’s broader environmental goals. For example, it would:

- **Cause delays and increase the costs of meeting Maryland’s 2040 acreage commitment.** SB 875 casts doubt on when—or if—Holland Point could be included in Maryland’s plans for 2040. Each restoration project typically takes several years to complete. Starting late on Holland Point would expose the budget to more inflation risk and increase the odds that work would not be

finished before the state’s 2040 deadline. The state’s restoration investments also may be less cost-effective without timely access to Holland Point, especially if DNR has to pursue piecemeal alternatives that have less favorable features.

- **Discourage private funding for restoration.** Residents and businesses have donated hundreds of thousands of dollars for restoration projects across the Bay, such as the “Build-A-Reef” program run by ORP. People are willing to contribute because of their trust in state laws that prohibit harvesting oysters on Yates Bars in sanctuaries. If Maryland abruptly revokes an area’s sanctuary protections—even temporarily—then the oysters funded by private donations are at risk of being wiped out by unintended harvesting errors or theft by poaching. Donors who have funded restoration will stop if they think their money will be wasted.

Enforcement challenges could add other financial costs. As noted in DNR’s 2021 Oyster Management Review, enforcement problems rise when harvesting occurs near sanctuaries.^{xii} If donated oysters were diverted to commercial harvests instead of habitat restoration, some private donors may seek some type of compensation. That would be similar to Maryland reimbursing its capital fund for restoration expenses if harvesting is allowed on a state-restored reef.^{xiii}

- **Jeopardize progress in revitalizing Herring Bay’s shallow-water habitat.** Herring Bay’s residents and maritime economy rely on the health of its shallow-water habitats. AHB’s “Happy Oysters, Healthy Bay” oyster restoration campaign was driven by popular support for Herring Bay’s aquatic wildlife, including fish and crabs. Oyster restoration will give those species something that harvesting will not: the three-dimensional reef structures that promote their growth and diversity.^{xiv} Thwarting investments in ecologically beneficial oyster restoration hurts Herring Bay and its communities.



In closing, **AHB recommends an unfavorable report for SB 875.** Thank you for considering our views.

ⁱ The Advocates for Herring Bay (AHB) is a community-based environmental group in Anne Arundel County.

ⁱⁱ See [Promising Survey Results, January 2023](#) and [Oyster Cam Results in 2024](#).

ⁱⁱⁱ See [AHB news-June 2025](#), a profile in [Chesapeake Bay Magazine in June 2025](#), and [AHB news-Oct. 2025](#).

^{iv} See [DNR, Herring Bay Sanctuary](#), extracted March 5, 2026.

^v See [DNR announces next three large scale oyster restoration sanctuaries](#), October 9, 2024.

^{vi} See [2025 Bay Agreement](#), page 10. Based on its share of the previous tributary plan, AHB assumes that Maryland probably would plant at least half of that total.

^{vii} See [Map of historical plantings](#).

^{viii} See 2025 Bay Agreement, page 10.

^{ix} See [Description of Herring Bay No Discharge Zone](#).

^x Natural Resources Article §4-1014 and COMAR 08.02.04.15(B) prohibit the harvesting of wild oysters from sanctuaries. Under Natural Resources Article §4-11A-07, aquaculture leases cannot be within 150 feet of a Yates Bar.

^{xi} See [Fiscal and Policy Note](#) for HB 1388, which was cross-filed with SB 875.

^{xii} See [DNR Oyster Management Review, 2021](#), page 45.

^{xiii} See [Fiscal and Policy Note](#) for HB 1388, which was cross-filed with SB 875.

^{xiv} See [Natural Architecture of Oyster Reefs Maximizes Recruit Survival](#) and [Effects of Harvest on Bottom Habitat and Recruitment of Oysters](#).