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Education, Energy, and
the Environment Committee

Executive Nominations Committee



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

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The Senate Education, Energy, and Environment Committee
SB 875 – Oysters – Rotational Harvest – Pilot Program
Statement of Support by Bill Sponsor Senator Mary Beth Carozza

Thank you Chair Feldman, Vice Chair Kagan, and my fellow members of the distinguished Senate Education, Energy, and Environment Committee for this opportunity to present Senate Bill 875 – Oysters – Rotational Harvest – Pilot Program and ask for a favorable report.

SB 875 would establish a limited five-year rotational harvest pilot program for oysters to be implemented by the Department of Natural Resources (DNR) in four specified harvest areas in the Chesapeake Bay:

1. The Lower Choptank Rotational Harvest Area;
2. The Lower Main Stem Chesapeake Bay Rotational Harvest Area;
3. The Herring Bay Rotational Harvest Area; and
4. The Lower Chester Rotational Harvest Area.

These four areas were identified by the Board of Directors of the Maryland Watermen’s Association based on strategic locations with a geographic balance and sensitivity to travel to the harvest areas.

The Maryland Department of Natural Resources’ Fisheries Management Plan has been completed, which allows the legislation to go forward. Similar legislation was introduced in the 2023 Maryland General Assembly but was withdrawn until completion of the Fisheries Management Plan. The Fisheries Management Plan is complete, which allows this legislation to go forward in coordination with Maryland Department of Natural Resources. Both the House sponsor, Delegate Jay Jacobs who is Chair of the Commercial Watermen’s Caucus, and I have been meeting with the Maryland DNR Secretary and staff over the past three years to move forward with an oyster rotational harvest pilot program.

For reference, Maryland has 51 designated oyster sanctuaries, covering 253,000 acres of the Chesapeake Bay. The five main sanctuary areas which receive federal and State funds – Harris Creek, Little Choptank, Tred Avon River, St. Mary’s River, and the Manokin River – are **NOT** a part of this legislation.

Under this legislation, the county oyster committees receive Maryland Department of Transportation (MDOT) oyster restoration funds and the oyster surcharge funds to pay for the planting of new oyster spat in these limited four areas, four out of 46. The watermen are not

requesting DNR funds for this rotational oyster harvest pilot project. The House sponsor and I have reviewed the fiscal note for this legislation. The costs have been dramatically inflated and note the Department of Legislative Services is not able to verify whether this level of spending is needed to implement the bill.

This legislation addresses portions of only four out of 46 sanctuaries which originally were established for a five-year study. Now it has been 16 years with little to no investment by the State. As a result, the oysters in these sanctuaries are silted over which means no new oyster growth is occurring. By exposing or rotating the shells, the larvae can attach onto a clean shell and oysters can grow.

Before opening an area to oyster harvesting under the pilot program, DNR must survey and investigate the area to collect baseline data including water quality. After closing an area in the rotational harvest areas to oyster harvesting under the pilot project, DNR must continue to monitor the area to collect additional data on the matters for which baseline data was collected.

For the last five years, the oyster spat set has been good. In 2023, the spat set was the fifth highest in 39 years. The 2025 Maryland oyster stock assessment found that adult oyster population in state waters have more than tripled to 7.6 billion oysters. In addition, DNR scientists reported widespread spat – or baby oysters – were distributed throughout the Bay and rivers in 2023.

Rotational harvesting is a sustainable resource management practice that ensures certain areas are left untouched for regeneration while others are actively harvested, balancing ecological health and biodiversity with resource rotation and overexploitation prevention.

While rotational harvesting is the dominant management strategy for agriculture, rotational harvesting is increasingly used for sedentary marine species like oysters. For example, rotational harvest areas are heavily employed in the Virginia portion of the Chesapeake Bay, supporting both the oyster population and Virginia watermen. Maryland's own Chesapeake Bay Oyster Management Plan, published in May 2019, includes a Rotational Harvest Strategy (Strategy 6.3).

I want to note that the Oyster Restoration Plan from 2010 included a joint venture with Virginia to restore five tributaries totaling 1,300 acres, and a large portion of the restoration funds were from federal partners. Many of the other oyster sanctuaries, including the four designated areas in this bill, did not receive appropriate funding for restoration efforts.

Oyster shell, either recently shucked or from buried deposits, is the predominant and preferred cultch for oyster habitat. Cultch provides a hard substrate for free-floating baby oyster larvae to attach to and grow into mature, productive reefs. Oyster larvae need that hard surface in order to survive into adulthood.

The four areas identified in this bill have experienced limited to no restoration since 2010, and are silting and sinking away without the appropriate care and investment. Adjacent public fishery areas have shown vast improvements in the same time period with county oyster shell committees planting seed, shell, and spat-on-shell, and also showing sustainable harvesting.

SB 875 would allow Maryland watermen to use rotational harvesting to restore the four designated areas in this bill. DNR is empowered to use its discretion to manage the oyster harvest and may adjust catch limits, limit the hours and days for harvest, and restrict the gear that may be used.

A tidal fish licensee who holds an oyster authorization may catch oysters in the four rotational harvest areas that are open for harvest and must ensure that the oyster shells are replaced on the bar where they were caught in an amount of bushels equal to the amount of bushels of oysters caught.

This legislation is based on a proven strategy as the Swan Point Oyster Bar in Kent County was restored using this same method beginning in 2014. The House sponsor, Watermen's Caucus Chair Jay Jacobs, was heavily involved in that project.

We have made tremendous progress in restoring the Chesapeake Bay oyster population. SB 875 would continue those efforts while also supporting and collaborating with the people whose livelihoods depend on a healthy Bay.

I thank you for your kind attention and consideration, and I respectfully request a favorable report on SB 875.