

HB1388 SB875 Rotational Harvest - Pilot Program-1.

Uploaded by: Jeannie Haddaway-Riccio

Position: FAV



Talbot Watermen Association, Inc.

P.O. Box 324 • Bozman, MD 21612 • (410) 745-9759 • info@talbotwatermen.org

March 4, 2026

The Honorable Brian Feldman
Chair, Education, Energy, and the Environment Committee
2 West Miller Senate Office Building
11 Bladen Street
Annapolis, MD 21401

The Honorable Marc Korman
Chair, Environment & Transportation Committee
251 Taylor House Office Building
Annapolis, Maryland 21401

Dear Chair Feldman, Chair Korman, and Members of the Committee,

We are writing to express our **support** for **House Bill 1388/Senate Bill 875 - Oysters - Rotational Harvest - Pilot Program**.


This legislation would establish a rotational harvest pilot program for oysters under the Maryland Department of Natural Resources. Rotational harvest is a sustainable harvest method that allows licensed commercial watermen to build and rebuild oyster populations on designated bars where oysters are legally harvested. Rebuilding oyster populations not only helps to ensure economic success, it helps to ensure the long-term health of the Chesapeake Bay.

Maryland's Chesapeake Bay Oyster Management Plan (May 2019) includes a Rotational Harvest Strategy (Strategy 6.3) and a goal of "work toward a more sustainable harvest by managing fishing effort and monitoring oysters on specific bars using Rotational Harvest Areas." We applaud this strategy and goal being included in the Plan, but remained concerned that, to date, no actions have been taken to implement this strategy.

Consumer demand for sustainable food products is strong and growing. Passage of this legislation and implementation of the proposed pilot program would position Maryland's seafood industry to meet that demand by harvesting and producing sustainably caught seafood.

For these reasons, we respectfully request a favorable report for House Bill 1388/Senate Bill 875.

Sincerely,


Herman Jeffrey Harrison
President

Contact:

Jeannie Haddaway-Riccio
R&R Solutions, LLC
(443) 786-2137

jeannie@randrsolutions.us

Talbot Watermen Association, Inc. is a component fund of the
Mid-Shore Community Foundation, a 501(c)(3) public charity.

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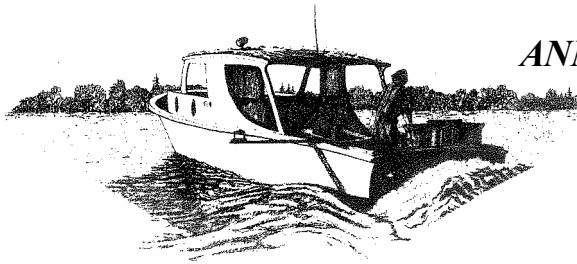
jeannie@randrsolutions.us

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Mid-Shore Community Foundation, a 501(c)(3) public charity.

3.10.26 FAVORABLE Senate Bill 875 AA Watermens Ass

Uploaded by: Julia Howes

Position: FAV



ANNE ARUNDEL WATERMEN'S ASSOCIATION

PO Box 574

Churchton, MD 20733

www.aawatermen.org

FAVORABLE

SENATE BILL 875

Oysters – Rotational Harvest – Pilot Program

This written testimony is on behalf of Anne Arundel County Watermen's Association and the families who depend on Maryland's oyster fishery.

Maryland watermen have always supported rebuilding the oyster population. In fact, when the sanctuary program was created, watermen gave up access to nearly 25 to 30 percent of Maryland's historic oyster harvest bottom in support of restoration.

That was a major sacrifice by our industry.

Since then, millions of taxpayer dollars have been invested in oyster restoration, yet some sanctuary areas have not been planted or actively maintained in decades. When that happens, those areas can become silted over and may no longer function as productive oyster reefs.

We believe good fisheries management should be adaptive and accountable. Sanctuaries that are not being actively restored or producing results should be reviewed to determine whether they are meeting their intended purpose.

Maryland's watermen want to be partners in rebuilding the oyster population while also preserving the working waterfronts that support our communities.

Thank you for your favorable vote on Senate Bill 875.

3.10.26 FAVORABLE Senate Bill 875 Robert Howes.pdf

Uploaded by: Julia Howes

Position: FAV

My name is Robert Howes, and I am a third-generation commercial waterman. Harvesting oysters is my livelihood and how I provide for my family. I have spent my life working on the water and learning about the oyster industry from the ground up.

In addition to wild harvesting oysters as a commercial waterman, I have also invested in the future of the industry by growing oysters on an aquaculture lease. This experience has given me a broader understanding of oyster growth, habitat needs, and sustainable production.

I currently serve on the County Oyster Committee and the Oyster Advisory Commission. Through these roles, I have dedicated many hours to learning about the science, policy, and management practices that affect the oyster fishery in Maryland.

As someone deeply involved in both harvesting and growing oysters, I believe strongly in protecting and sustaining the resource for future generations. My 15-year-old daughter is already learning about the industry and beginning projects focused on oyster growth. Like many watermen, I want to ensure that the Chesapeake Bay continues to support both healthy oyster populations and the communities that depend on them.

I believe it is important that oyster management decisions remain adaptive and based on current conditions. Some oyster sanctuaries in Maryland have not been planted, restored, or actively managed for decades. Without regular shell planting or restoration efforts, these areas can become silted over and may no longer function as productive oyster reefs.

When areas remain closed for long periods without active restoration, it is reasonable to reevaluate whether they are achieving their intended purpose. In some cases, controlled and carefully managed harvesting could help improve these areas by returning shell to the bottom and encouraging new oyster growth.

Watermen are on the water every day and often serve as the first line of observation for changing conditions on oyster bars. Responsible harvest practices can help maintain productive oyster habitat while also supporting the working waterfront communities that depend on this fishery.

I believe that evaluating long-unused sanctuaries and considering adaptive management approaches—such as limited access, rotational harvest, or pilot programs—could benefit both the oyster population and the watermen who rely on it.

Maryland's oyster industry has supported families and communities for generations. With thoughtful management and collaboration between scientists, regulators, and watermen, we can continue to protect this resource while ensuring that it remains a viable livelihood for future generations.

Thank you for your time and consideration in support of SB075.

Senator Carozza's Testimony

Uploaded by: Mary Beth Carozza

Position: FAV

MARY BETH CAROZZA
Legislative District 38
Somerset, Wicomico,
and Worcester Counties

Education, Energy, and
the Environment Committee

Executive Nominations Committee



Annapolis Office
James Senate Office Building
11 Bladen Street, Room 316
Annapolis, Maryland 21401
410-841-3645 · 301-858-3645
800-492-7122 Ext. 3645
Fax 410-841-3006 · 301-858-3006
MaryBeth.Carozza@senate.state.md.us

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

March 10, 2026

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.

SB 875 - CBF - UNF.pdf

Uploaded by: Allison Colden

Position: UNF



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](#).

Maryland Office • Philip Merrill Environmental Center • 6 Herndon Avenue • Annapolis • Maryland • 21403

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.

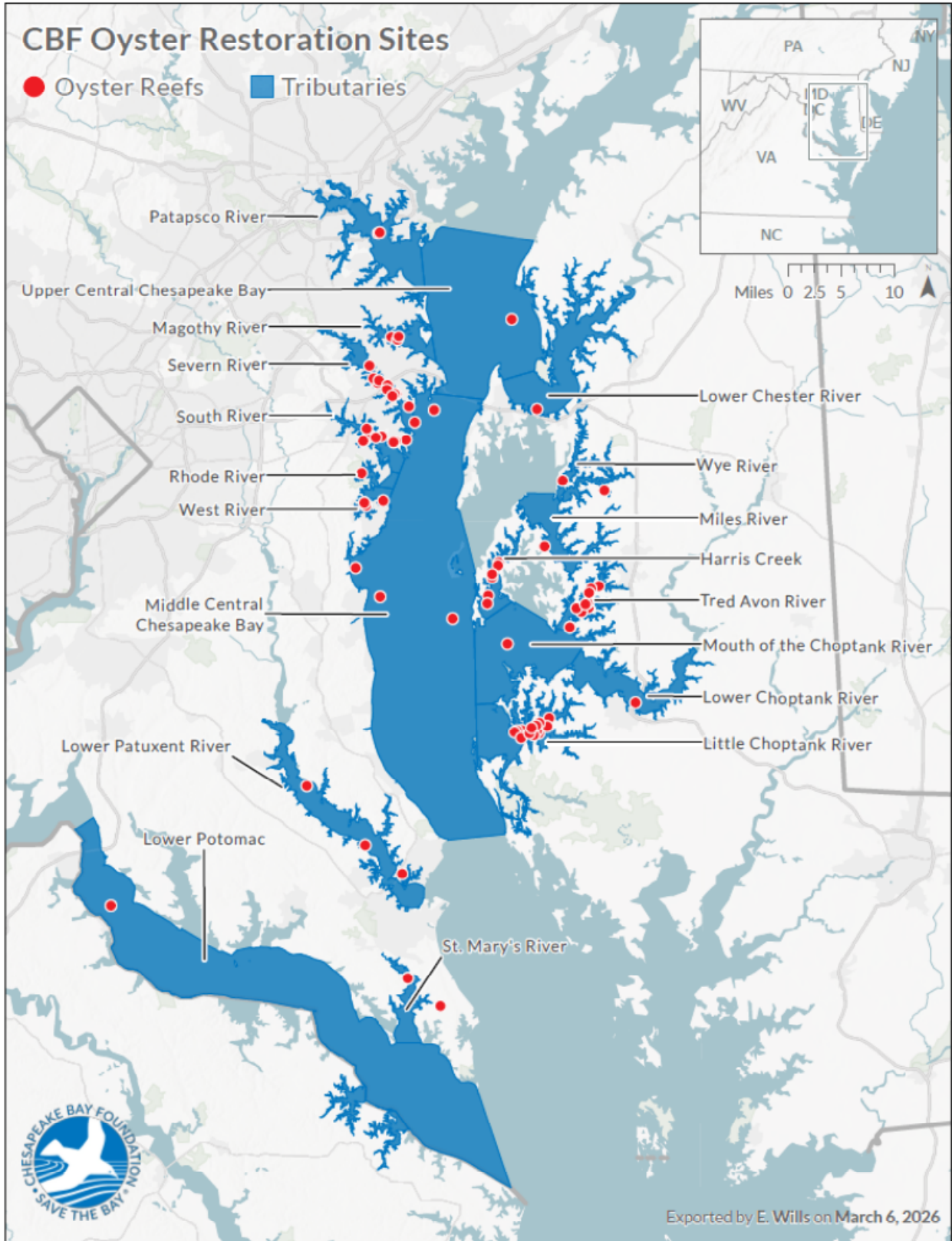
DNR has the authority to implement rotational harvest in open harvest areas without legislation.

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



SB 875 - Community Sign-On - UNF.pdf

Uploaded by: Allison Colden

Position: UNF

Testimony before the
Senate Education, Energy, and the Environment Committee
March 10, 2026

Senate Bill 875
Position: **OPPOSE**

Dear Chair Feldman, Vice Chair Kagan, and Members of the Committee:

We, the undersigned organizations and individuals, respectfully **request an unfavorable report** from the Senate Education, Energy, and the Environment Committee on Senate Bill 875. This bill would require the Department of Natural Resources (DNR) to create a rotational harvest program in four oyster sanctuaries, including one of Maryland's large-scale restoration sanctuaries, Herring Bay.

Maryland's oyster sanctuaries were put in place in 2010 as part of a comprehensive, three-pronged approach to recover oyster populations. It was clear at the time of their inception that current management strategies were not working, as oyster populations had plummeted to a minute fraction of their historic levels. The recovery of oysters and their many benefits depend on a long-term strategy that will produce tangible gains in reproductive capacity, disease resistance, and habitat regeneration, all of which sanctuaries help achieve.

By protecting these sanctuaries from harvest, oysters grow to a large size, greatly increasing their reproductive output, sending larvae to areas far afield of the sanctuary. When oysters are challenged with disease, the survivors are left to reproduce, conferring the unique qualities that allowed their survival to the next generation. Over time, this natural process can produce genetic resistance to disease, as has been observed in Virginia. No-harvest sanctuaries also help ensure that oyster habitat is protected from destructive harvesting techniques, like power dredging, that damage the structural habitat and level three-dimensional oyster reefs.¹ Directing harvest in these areas, as is required by Senate Bill 875, undermines these goals and greatly reduces the probability that this suite of critical ecological benefits could be fully achieved.

Additionally, this bill undermines Maryland's obligation to the Oyster Outcome in the newly-revised Chesapeake Bay Watershed Agreement, which states:

*“By 2040, restore or conserve **at least 2,000 additional acres of oyster reef habitat** concentrated primarily in restoration focus areas **to provide ecosystem service benefits.**” [emphasis added]*

Oyster sanctuaries, by their definition, are areas left untouched by harvest. They serve an important ecological function that simply cannot be achieved when subjected to the continual disturbance, removal of adult oysters, and disruption and degradation of habitat associated with oyster harvest. DNR suggested that at least 20-30% of productive oyster habitat be set aside from harvest in sanctuaries to achieve these ecological goals.² Any investigation of the merits of a rotational harvest program can be determined in areas currently open to oyster harvest, allowing Maryland's oyster sanctuaries to continue to provide the critical benefits that harvested areas simply cannot.

¹ Wade et al. (2026). Effects of harvest on bottom habitat and recruitment of oysters in the Chesapeake Bay, Maryland. *Journal of Shellfish Research* 44:3. 435-463.

² Maryland Department of Natural Resources (2010). 20-30% Oyster Sanctuary Rationale. Available [online](#).

We urge the Committee to provide an unfavorable report on Senate Bill 875 and thank you for your consideration.

Sincerely,

Maggie Ostdahl
National Aquarium

Marisa Olszewski
Maryland League of Conservation Voters

Randy Lyon
Sierra Club Maryland Chapter

Adam Lindquist
Waterfront Partnership of Baltimore

Nick Iannacone
Living Classrooms Foundation

David Sikorski
Coastal Conservation Association Maryland

Jim Brown
Audubon Mid-Atlantic

Allison Colden
Chesapeake Bay Foundation

Mark Southerland
Vernal Pool Partners

Peter Alexander
Indivisible HoCoMD

Kathy Gramp
Advocates for Herring Bay

Justin Dwight
Advocates for Herring Bay

Susan Alexander
Chesapeake Beach Oyster Cultivation Society

Elle Bassett
Arundel Rivers Federation

Emma Ewing
St. Mary's River Watershed Association

Fred Milhiser
Friends of St. Clements Bay

Liz Curtz
Friends of St. Clements Bay

Brad Knopf
Magothy River Association

Marc Imlay
Friends of Ruth B. Swann Park

Steve Blackledge
Environment Maryland

Bob Lewis
Lexington Park, Maryland

Lani Hummel
Annapolis, Maryland

Olivia Fey
Severna Park, Maryland

Andrea Youngk
Annapolis, Maryland

Jennifer Collins
Ellicott City, Maryland

Jacqueline Christie
Annapolis, Maryland

Cady Gorsak
Lusby, Maryland

Jonal Hessels
Baltimore, Maryland

Thomas Straehle
Westminster, Maryland

Gwynn Dujardin
Annapolis, Maryland

P. Michael Cunningham
Annapolis, Maryland

Robert Curry
Churchton, Maryland

Vicki Saporta
Annapolis, Maryland

Ruth Auerbach
Columbia, Maryland

David Hutton
St. Michaels, Maryland

Deanna Bauerlein
Bowie, Maryland

Bill Berry
Waldorf, Maryland

Cheryl Duvall
Annapolis, Maryland

Pamela Ficca
Silver Spring, Maryland

Kristy Weight
Arnold, Maryland

Chris Coelho
Arnold, Maryland

John Bahen
Arnold, Maryland

Mark Abruzzo
Arnold, Maryland

Oren Sheinman
Arnold, Maryland

Ed Francia
Severna Park, Maryland

Ron Hartman
Elkton, Maryland

Robert Ferguson
Severna Park, Maryland

Charles Dankmeyer
Arnold, Maryland

Daniel Power
Cape St. Claire, Maryland

James Kneale
Severna Park, Maryland

March K. Bishop
Arnold, Maryland

Susan K. McDonough
Arnold, Maryland

Michale Replogle
Severna Park, Maryland

Ellen Berlinghof
Arnold, Maryland

Rhonda Feuer
Arnold, Maryland

Robert Wilkins
Arnold, Maryland

Laurie Alexander
Arnold, Maryland

Mark Mendelsohn
Arnold, Maryland

Jeffrey Mahler
Arnold, Maryland

Dorothy Birch
Solomons, Maryland

Alex Lynde
College Park, Maryland

Joanie Bradford
Odenton, Maryland

Norm O'Foran
Avenue, Maryland

Chris Meyer
McDaniel, Maryland

Paul Kaladas
Annapolis, Maryland

Timothy Delaney

Marcus LaChapelle

Rob Hooper

Chris Hopkinson

Richard Sutton

Doris Garrell

Steven Steimel

SB 875 - Oyster Gardeners - UNF.pdf

Uploaded by: Allison Colden

Position: UNF

March 10, 2026

Senate Education, Energy, and the Environment Committee
2 West Miller Office Bldg.
Annapolis, Maryland 21401

RE: Senate Bill 875 – Oysters – Rotational Harvest – Pilot Program

Position: **OPPOSE**

Dear Chairman Feldman and Members of the Committee:

Thank you for the opportunity to provide testimony on Senate Bill 875. We, the undersigned, represent the thousands of oyster gardeners participating in community-based restoration of the Bay's oyster resource each year.

The Chesapeake Bay Foundation's Maryland Oyster Gardening Program and the Department of Natural Resources' (DNR) Marylanders Grow Oysters Program were established to empower local citizens who wanted to make a difference in recovering the Bay's oyster populations. Each year, oyster gardeners receive several thousand oyster spat to grow out in cages hanging from their docks or on their property. Oyster gardeners tend these cages carefully during the growing season, cleaning off excess algae, removing sediment and ensuring the oysters are growing well. This close care and dedication pays off at the end of the season when these oysters are collected and placed in oyster sanctuaries throughout the Bay.

Through these innovative programs, oyster gardeners have planted more than 25 million oysters on sanctuary bars throughout Maryland waters. Because these oysters are grown for a year in a protected environment, they are of larger size when placed on sanctuary reefs. This affords them higher survival, greater reproductive capacity, and higher filtration rates than smaller oysters.

Oysters are the Bay's most prodigious filters and an important keystone in the ecosystem. They provide habitat to other fish and shellfish species, they clean our water, and they reduce nutrient pollution. That is why we dedicate countless hours to the care and husbandry of our oyster 'gardens.'

Senate Bill 875 would require DNR to open the Lower Chester, Lower Choptank, Herring Bay, and Lower Mainstem oyster sanctuaries to harvest, which includes areas that have received annual plantings by oyster gardeners. While smaller in scale than state-supported restoration projects, we believe our significant investments of time and effort deserve protection from harvest. Before targeting sanctuaries, which have received significant restoration investment from watershed organizations and oyster gardeners, we urge the state to direct any investigations into the value of rotational harvest to the more than 300,000 acres of Maryland's bay bottom currently open to harvest. Protecting these sanctuaries from harvest would allow the oysters to grow, reproduce, and create self-sustaining populations that are so critical to the oyster's recovery.

We urge the Committee to protect the investments of the hundreds of Maryland citizens contributing to oyster restoration annually, and we respectfully request an unfavorable report on Senate Bill 875.

Sincerely,

Kendall Kelly
Baltimore, MD

Julie Kurland
Takoma Park, MD
Marjory Gibson
Annapolis, MD

Allison Dinwoodie
Baltimore, MD

Ryan Butts
Carney, MD

Ben Carroll
Carney, MD

Ralph Montfort
Bethesda, MD

Tim Hucko
Hollywood, MD

Jeannie Hucko
Hollywood, MD

Jon Lawrence
Shady Side, MD

Jill King
Annapolis, MD

Steve Durante
West River, MD

Lizz Durante
West River, MD

Jennifer Welch
Saint Leonard, MD

Jessie Birndorf
Dundalk, MD

Robert Tapbergenov
Halethorpe, MD

Patti Child
Severna Park, MD

Stephen Metzler
Deale, MD
Amber Metzler
Deale, MD

David Smith
Churchton, MD

Ruby Maghoney
Baltimore, MD

Deborah Roderick Stark
Harwood, MD

James Foster
Shady Side, MD

Abigail Thorton
Baltimore, MD

Emma Hester
Baltimore, MD

Raymond Zepka
Baltimore, MD

Jenna Caruso
Baltimore, MD

Allison Dammer
Baltimore, MD

Maeve McNeil
Baltimore, MD

Madison Tina
Baltimore, MD

Katherine Hancin
Baltimore, MD

Kayla Baker
Baltimore, MD

Lauren Tillage
Baltimore, MD

Gabriel Gomez
Baltimore, MD
Andrew Norman
Baltimore, MD

Molly Suplee
Baltimore, MD

Marcia Diehl
Takoma Park, MD

Nancy Cohen
Takoma Park, MD

Roger McGary
Takoma Park, MD

Benjamin Petre
Severna Park, MD

Gregory Wolfe
Severna Park, MD

Gina Friel
Grasonville, MD

Nicole Love
Shady Side, MD

Jeffery Love
Shady Side, MD

Dr. Hiram Larew
Churchton, MD

David Redford
Annapolis, MD

Deirdre McMahon
Shady Side, MD

James Foster
Shady Side, MD

Michael Schaetzle
Baltimore, MD

Thomas Smith
Baltimore, MD
David V. Way
Shady Side, MD

Ruth Sanchez-Way, PhD
Shady Side, MD

Jason Goodman
Lake Shore, MD

Stanley Watkins
Annapolis, MD

Bruce Ogden
West River, MD

Jill Segraves
West River, MD

Robert Potter
Arnold, MD

Chris Moe
Lusby, MD

Don Adams
Reisterstown, MD

David Johnson
Severna Park, MD

Jon Coile
Shady Side, MD

Terese Schlachter
Shady Side, MD

Larry Pendleton
Rockville, MD

Csilla Szabo
Severna Park, MD

Michael Erdos
Severna Park, MD

Mike Krissoff
Annapolis, MD
Tom Sachse
West River, MD

Michael Ryan
Baltimore, MD

Cary Kelly
Baltimore, MD

Dan Bacot
Annapolis, MD

Claus Nicklas
West River, MD

Cate Bower
West River, MD

Cecilia Callahan
Lutherville, MD

Fred Schober
Annapolis, MD

Ray Quinnette
Abell, MD

Jan Goessing
West River, MD

Susanne Goessing
West River, MD

Paul Merena
Westminster, MD

Girl Scout Troop 1348
Central Maryland

Brownlee Kiernan
Grasonville, MD

Johnny Schultz
Baltimore, MD

Andrea Sloan
Rock Hall, MD
Andrew Sloan
Rock Hall, MD

Robert Cardoni
Catonsville, MD

Victoria Cardoni
Catonsville, MD

Henry Smith
Tracys Landing, MD

Mary Kay Page
Baltimore, MD

Maximilian Schneider
Baltimore, MD

Katelyn Brown
Baltimore, MD

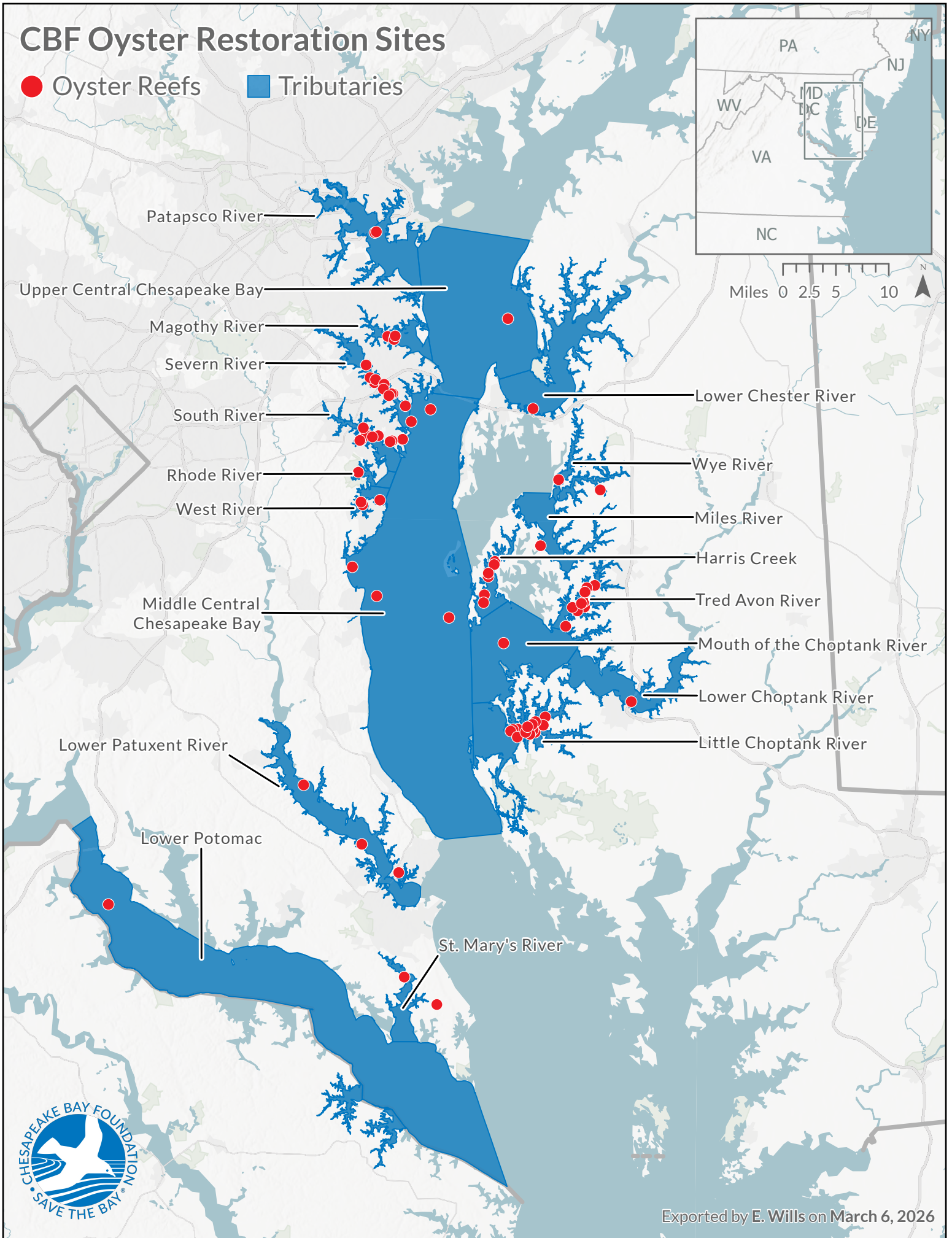
SB 875 CBF Oyster Restoration Sites Attachment.pdf

Uploaded by: Allison Colden

Position: UNF

CBF Oyster Restoration Sites

● Oyster Reefs ■ Tributaries



SB875 Opposition Testimony.docx.pdf

Uploaded by: Benjamin Ford

Position: UNF



Testimony in Opposition to Senate Bill 875 - Oysters - Rotational Harvest - Pilot Program

3/6/2026

Dear Chair Feldman, Vice-Chair Kagan, and esteemed members of the Committee

Thank you for the opportunity to submit testimony in **OPPOSITION** to SB875 on behalf of ShoreRivers. ShoreRivers is a Riverkeeper organization focused on protecting water quality on Maryland's Eastern Shore, with more than 2,000 members. Our mission is to protect Maryland's Eastern Shore waterways through science-based advocacy, restoration, education, and engagement.

HB1388 would weaken protections and open specific existing oyster sanctuaries to harvest at a time when the science clearly demonstrates that sanctuaries are working and need additional investment, not rollback.

The Maryland Department of Natural Resources' 2025 stock assessment shows that in areas where restoration has occurred, **adult oyster abundance has increased dramatically—by roughly 300–500 percent in several restored sanctuary systems.** In fact, the highest number of oysters recorded anywhere in the Chesapeake Bay is currently within a sanctuary in the Little Choptank River. These gains are not theoretical. They are measurable, model-based results grounded in fishery-independent surveys and long-term monitoring.

At the same time, commercial harvest has rebounded to levels not seen since the 1980s, with recent dockside values exceeding \$20 million annually. Importantly, this resurgence has occurred while sanctuaries remain in place. **The data do not support the claim that sanctuaries suppress the fishery. Rather, they suggest that a balanced management portfolio—sanctuaries, public fishery areas, and aquaculture—can rebuild biomass while sustaining harvest.**

Peer-reviewed research also underscores the ecological risk of expanding harvest into protected areas. **Analyses of Maryland data demonstrate that dredging is associated with measurable loss of shell habitat (cultch), and that habitat losses can exceed removals from harvested oysters alone.** Oyster reefs are self-building habitat; when the structural shell is diminished, recruitment suffers and long-term productivity declines. Sanctuaries protect that three-dimensional reef structure and function as broodstock reserves, supplying larvae to the surrounding waters.

ShoreRivers

Scott Budden, Executive Director

Annie Richards, Chester Riverkeeper | Matt Pluta, Choptank Riverkeeper
Ben Ford, Miles Wye Riverkeeper | Zack Kelleher, Sassafras Riverkeeper

shorerivers.org | 443.385.0511 | info@shorerivers.org



Removing sanctuary status would reduce the protected oyster bottom from 24% to 15%.

Most importantly, the Oyster Advisory Commission, on which I serve alongside four members of the Maryland General Assembly, is currently engaged in active discussions about how to address underinvested sanctuaries, particularly those that have not yet received adequate bottom preparation, shell planting, or large-scale seed deployment. The appropriate response to uneven performance is targeted investment and adaptive restoration, not opening these areas to harvest before their ecological potential is realized. **Because work within the OAC is ongoing, this legislation to address the issue is premature.**

Maryland has made significant progress rebuilding its oyster population through a science-based approach. SB875 would reverse that progress by reducing the integrity of sanctuary protections, just as the stock assessment confirms that restoration works.

Accordingly, ShoreRivers respectfully **urges an unfavorable report on SB875** and encourages the General Assembly to focus instead on sustained investment in sanctuary restoration to achieve similar gains throughout the Bay.

Thank you for your consideration.

Sincerely,



Benjamin Ford, Miles-Wye Riverkeeper, on behalf of ShoreRivers

ArundelRiversUNFAVSB875_oystersanctuaries.pdf

Uploaded by: Elle Bassett

Position: UNF



Testimony in OPPOSITION of Senate Bill 875 – Oysters – Rotational Harvest – Pilot Program

Education, Energy, and the Environment Committee

March 10, 2026

Dear Chair Feldman and Members of the Committee,

Thank you for the opportunity to submit testimony in **OPPOSITION OF SB875**, on behalf of Arundel Rivers Federation. Deeply rooted in the South, West, and Rhode Rivers, Arundel Rivers Federation heals and protects our waterways and champions clean water across Maryland. Our vision is healthy waterways for all, and we achieve our mission through restoration, education and outreach, and Riverkeeper programs.

Senate Bill 875 would require the Department of Natural Resources (DNR) to create a rotational harvest program in four oyster sanctuaries – including one of Maryland’s future restoration sanctuaries and current community-invested sanctuary in Herring Bay.

Maryland established its oyster sanctuaries in 2010 as part of a comprehensive, three-part strategy to rebuild depleted oyster populations. By prohibiting harvest within sanctuary boundaries, oysters are able to grow larger and live longer, significantly increasing their reproductive output. These mature oysters release larvae that can disperse well beyond sanctuary borders, helping to repopulate surrounding waters. When disease affects oyster populations, the individuals that survive are able to reproduce, passing along the traits that enabled their survival. Over time, this natural selection process can foster greater genetic resistance to disease—an outcome already documented in Virginia. Sanctuaries also protect reef structure from destructive harvesting methods, such as power dredging, which can flatten and damage the three-dimensional habitat that oysters and many other species depend on.¹ Opening these areas to harvest, as required under SB875, would undermine these objectives and substantially diminish the likelihood of achieving these critical ecological benefits.

By definition, oyster sanctuaries are areas permanently protected from harvest. Their ecological value depends on minimizing disturbance, preserving adult breeding populations, and maintaining intact reef habitat—conditions that cannot be sustained under routine harvesting pressure. The Maryland Department of Natural Resources has previously recommended setting aside at least 20–30% of productive oyster habitat as no-harvest sanctuaries to meet ecological targets. It is unclear if by opening these sanctuaries to rotational harvest, other locations will be closed to harvest to maintain our percentage of productive oyster habitat in sanctuary. We recommend the state explore this concept within existing areas already open to the public as opposed to sanctuaries.

As a Commissioner on the Maryland Oyster Advisory Commission, I am respectfully asking you for an unfavorable vote on SB875. The Commission is tasked with providing the Department with advice on matters related to oysters, reviewing and recommending changes to the management of oysters, and developing a consensus in recommendations for fishery management for oysters in the Bay. This bill directly undermines the efforts of the Commission, which is currently discussing a number of recommendations for how to reinvest in some of these specific sanctuaries.

Sincerely,

 Elle Bassett

South, West, and Rhode Riverkeeper

¹ Wade et al. (2026). Effects of harvest on bottom habitat and recruitment of oysters in the Chesapeake Bay, Maryland. *Journal of Shellfish Research* 44:3. 435-463.

SB875-Unfavorable-AdvocatesForHerringBay.pdf

Uploaded by: Kathleen Gramp

Position: UNF

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:

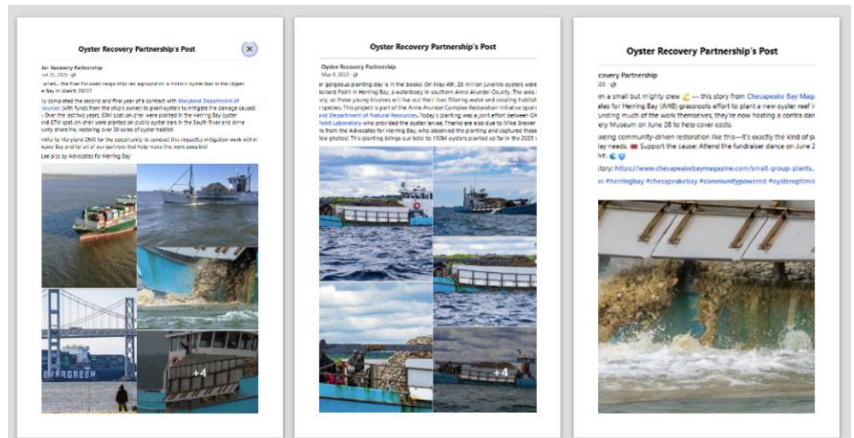
- delay and increase the cost of the large-scale restoration planned for Herring Bay, jeopardizing Maryland’s ability to meet its oyster habitat goals under the Bay Agreement;
- discourage community funding for sanctuary projects across the Bay by removing sanctuary protections and eroding trust in Maryland’s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



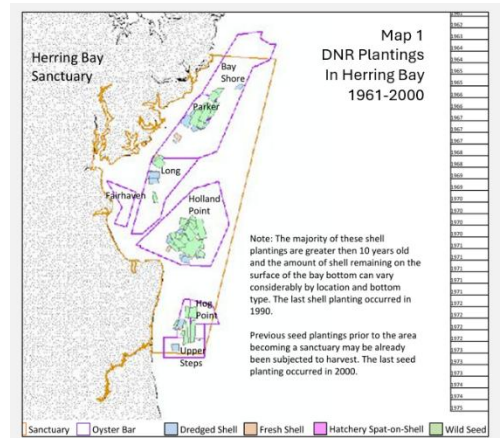
Large-scale restoration plans. In 2024, DNR chose Herring Bay as one of three new sites for large-scale oyster restoration.^v That selection reflects Herring Bay’s abundance of hard bottom for reef habitat, relatively low risk of disease, and a location that could supply oyster larvae to other parts 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](#).

SB0875_DNR_OPP_EEE_3-10-26.pdf

Uploaded by: Lydia McPherson

Position: UNF



Wes Moore, Governor
Aruna Miller, Lt. Governor
Josh Kurtz, Secretary
David Goshorn, Deputy Secretary

March 10, 2026

BILL NUMBER: **SENATE BILL 875 - FIRST READER**

SHORT TITLE: **OYSTERS-ROTATIONAL HARVEST - PILOT PROGRAM**

DEPARTMENT'S POSITION: **OPPOSE**

EXPLANATION OF DEPARTMENT'S POSITION

The Department opposes Senate Bill 875.

The bill requires the rotational opening of bars within the lower Choptank River, lower mainstem of the Bay, Herring Bay, and the lower Chester River. These areas are currently designated as oyster sanctuaries and closed to harvest.

General Considerations/Issues

Rotational harvest is a management strategy that allows for a sustainable fishery while maintaining the reef habitat. Generally, there is a three-year rotation following harvesting, which allows spat to reach market size. There are certain criteria that must be met by a rotational harvest area. For a reef to generate a harvestable stock, there must be consistent recruitment to replace the oysters that have been harvested. Recruitment requires appropriate environmental conditions, particularly sufficient salinity. Adequate substrate (cultch) that is available for the oyster larvae to set on (i.e. clean, hard substrate) is a necessity, as is a concentration of broodstock as a source of larvae.

Virginia, for example, has a successful rotational harvest program. After the harvest season ends, the bar is replenished with shell, after which it remains closed for three years before being reopened. The key to the program is that it is conducted in higher salinity areas with consistent recruitment and plentiful cultch to plant on the harvested locations. On the other hand, spatsets in Maryland are generally inconsistent and unpredictable, due to the lower and more dynamic salinity regimes, especially in the upper regions of the bay. Lacking the above criteria, the proposed areas are generally in poor condition recruitment and habitat-wise and not suitable for a rotational harvest; there would be no benefit to the proposed program.

As written, each harvester is required to plant a bushel of oyster shell on the bar for each bushel of oysters harvested. It is unclear how this provision could be enforced without visual NRP presence for the planting. The department consults with the county oyster committees to determine areas to plant shell or spat on shell on public fishery bars. This work is implemented by the department with funds from the severance tax and bushel tax.

One of the compelling arguments for creating larger, multi-bar sanctuaries was to make them easier for compliance and enforcement. Earlier sanctuaries were originally individual bars or parts of bars that were

Contact: Lydia McPherson, Director, Legislative and Constituent Services
lydia.mcpherson1@maryland.gov ♦ 410-260-8113 (office) ♦ 443-875-7785 (cell)

difficult to conserve. The proposal to allow harvesting on individual bars within larger sanctuaries creates holes within the sanctuary that compromises enforcement.

The Department already operates a rotational harvest program in consultation with the county oyster committees which includes planting shell, seed, and spat-on-shell on harvest areas and in some cases periodically closing and opening them to maximize harvest potential, in consultation with the appropriate county committee. It may be difficult to find good bottom in the sanctuaries identified to plant and sustainably harvest that has not already been part of the restoration program and there are certainly good areas already in the public fishery outside of sanctuaries that are being underutilized and would probably be more beneficial areas to consider. For example, planting shell in the Chester River or Chesapeake Bay Mainstem are not likely to result in a positive return on investment in most years and the ability to harvest what oysters may be present would not be replaced in the three year time frame proposed due to the rates of recruitment observed in most years.

The Oyster Advisory Commission (OAC) was created by the General Assembly in 2019 to advise DNR and the Governor on oyster fishery management, aquaculture, and restoration policy. This is to serve as a balanced forum for collaboration of varying interest groups aiming to reduce conflict, rely on science, and coordinate restoration and harvest decisions. The OAC is currently discussing recommendations for sanctuaries that are not performing well as they have not received restoration action and funding to date. This process began in January 2026 and includes rotational harvest for consideration in these specified areas. As the OAC was created for just this purpose- recommendations on issues such as oyster sanctuaries, fishery management plans, and restoration strategies, it is the Department's recommendation that we continue the work at the OAC and not circumvent the established advisory body.

Sanctuary-Specific Issues

Lower Chester River Sanctuary – Hickory Thicket and Huntingfield Bars

These bars are located in a low recruitment area and cannot maintain sustainable harvests. Nearby Swan Point bar, which is a Key Spat Index bar, has a 41-year recruitment average of 0.4 spat/bu. with a median count of 0.0 spat/bu. Over a span of 30 years, spat were observed in only two of those years; the counts ranged from 1 to 2 spat/bu. The 41-year average of Spat Indexes (which includes all 53 Key Spat Index bars) is 42.2 spat/bu. A study on Swan Point conducted from 2010 to 2015 showed that when an area was opened to power dredging, the natural oyster population was rapidly depleted by the first season. Little harvest took place in season two and none in seasons three through five. Although the rationale for power dredging was to bring up shell out of the bottom, there was no evidence that this occurred, and there was no recruitment to sustain the population. Essentially, the area was abandoned once the oyster population dropped below economic viability for harvesting. The same can be expected for the proposed bars.

Replenishing shell would not be effective because of the lack of recruitment and would be a waste of an increasingly scarce and valuable resource that can be put to better use in higher spatset areas. A pilot project on Strong Bay bar to construct four large shell mounds planted with seed oysters never resulted in improved recruitment. This bar is in the lower Chester sanctuary immediately south of the proposed bars in this bill. Note that the two Maryland oyster benchmark stock assessments from 2000 and 2005 found that the oyster population in this region was below the minimum abundance threshold reference point and is technically considered to be “overfished” although it is in a sanctuary.

Herring Bay Sanctuary – Holland Point bar

This bar is located in a low recruitment area and cannot maintain sustainable harvests. Holland Point bar, which is a Key Spat Index bar, has a 41-year recruitment average of 1.1 spat/bu. with a median count of 0.0 spat/bu. No spat were observed in 32 of those years. Replenishing shell would not be effective because of the lack of

recruitment and would be a waste of an increasingly scarce and valuable resource that can be put to better use in higher spatset areas.

Based on previous surveys, the only areas on this bar with meaningful densities of oysters are those that have received spat-on-shell plantings using Capital Funds. This restricts them from any action for 17 years. Holland Point bar is also a Disease Index bar, which relies on these plantings as a source for obtaining samples for monitoring disease, since the natural population density outside of these plantings is extremely low. In addition, the Department has prioritized Herring Bay sanctuary as one of the next three areas for large-scale restoration efforts. There already are multiple areas within the sanctuary that have been submitted for restoration construction by the Department.

Maintaining these relatively small plantings would be an enforcement problem that could compromise these restoration efforts and disease monitoring - this is the only such site on the Western Shore for miles.

Lower Choptank Sanctuary – Three bars (TBD)

Recruitment in this region is generally low and inconsistent, and is not sustainable on a rotational basis. Within the adjacent Sandy Hill sanctuary, the Sandy Hill Key Spat Index bar had a 41-year recruitment average of 15.9 spat/bu., with a median count of 2.0 spat/bu. Zero or single digit spat occurred in 80% of the years, which included an uninterrupted span of 23 years.

The proposal to allow harvesting on individual bars creates holes within the sanctuary that compromises enforcement. This problem is particularly acute in this sanctuary because of the closely spaced bars in the sanctuary and the adjacent Sandy Hill sanctuary.

Lower Mainstem Bay East Sanctuary – Three bars (TBD)

Located in a higher salinity regime, recruitment in this area can be good and fairly consistent. Recruitment at a site on Northwest Middleground where a shell planting was made in 2002 had a 23-year average of 148.4 spat/bu. with a median count of 92.0 spat/bu. Since 2015, only two years had spat counts under 100 spat/bu. According to a sanctuary-wide survey conducted in 2024, the supplemental disease monitoring site on Northwest Middleground is one of the few locations within this sanctuary where an appreciable were found. This is the only disease sentinel site in the lower bay mainstem east of the channel. As such, it should remain off limits to harvesting. Because it is a deeper site, it also serves as an indicator of low dissolved oxygen incursions from the pool of hypoxic waters that forms in the bay each summer. Although spatset has good potential in this area, the scarcity of harvestable oysters and cultch throughout much of the sanctuary make this area a poor choice for a rotational harvest program.

Located towards the middle of the bay, the remoteness of this sanctuary could be an enforcement issue if part of it was opened to rotational harvesting.

BACKGROUND INFORMATION

Natural Resources Article, Section 4-215 required a consensus process through the Oyster Advisory Commission to examine the Oyster Fishery Management Plan before changes to sanctuaries could be considered. An amendment to the Oyster Fishery Management Plan was adopted in December 2023, following the completion of that process. The agency is currently working through the Oyster Advisory Commission to review various oyster bottom use within the Chesapeake Bay. One goal of the discussions through this process would be to determine areas that would best be used as rotational harvest areas as rotational harvest areas are one of the goals in the plan.

BILL EXPLANATION

This bill charges the Department to establish a 5-year rotational oyster harvest pilot program in selected portions of four existing oyster sanctuary areas. The bill requires baseline and post-harvest monitoring requirements before/after openings of Bay areas for harvest. Harvesters would be required to replace one bushel of shell for every bushel of oysters taken.

SB 875 Oysters - Rotational Harvest - Pilot Progra

Uploaded by: Michelle Dietz

Position: UNF

Tuesday, March 10, 2026

TO: Senator Brian Feldman, Chair of the House Education, Energy and the Environment, and Committee Members

FROM: Michelle Dietz, Director of Government Relations, The Nature Conservancy; Amy Jacobs, Chesapeake Bay Program Director, The Nature Conservancy

POSITION: Oppose SB 875 Oysters - Rotational Harvest - Pilot Program

The Nature Conservancy (TNC) opposes SB 875 offered by Senators Carozza and Mautz. SB 875 seeks to establish a five-year rotational harvest pilot program for oysters to be implemented by the Maryland Department of Natural Resources (DNR) in four oyster sanctuary locations: the lower Choptank River, the main stem of the Chesapeake Bay, Herring Bay and the Lower Chester River. This would open protected areas for rotational harvesting, allowing oyster harvesting on state protected areas.

TNC is a member of the Oyster Advisory Commissions (OAC), an advisory body to DNR that is tasked with several charges, including to “review the best possible science and recommend changes to the framework and strategies for rebuilding and managing the oyster population in the Chesapeake Bay under the Chesapeake Bay Oyster Management Plan.” The best available science recommends protecting 20-30% of productive oyster bottom in sanctuaries to ensure long-term resource sustainability¹. SB 875 seeks to open state sanctuaries for the proposed rotational harvest pilot, reducing the percentage of sanctuaries available in the Chesapeake Bay. **The Nature Conservancy strongly opposes altering or reducing oyster sanctuary boundaries, which undermines the protections the state has set to preserve and enhance oyster restoration.**

The OAC is currently meeting to discuss ways for DNR to address underperforming and underinvested sanctuaries. Working groups have met over the past several months to provide innovative solutions to these issues and propose ways in which DNR can use current funding to yield more robust oyster populations on state sanctuaries. The OAC’s next meeting is on March 9, 2026, to continue discussing next steps. Advancing SB 875 without the input and consideration of the OAC circumvents the Commission’s current process to review and advise DNR on how best to adjust strategies managing the state’s oyster population.

Sanctuaries improve recreational and commercial fishing in the Bay by providing persistent habitat for blue crabs, striped bass, white perch and other important finfish species. Oysters within sanctuaries can produce larvae that benefit areas beyond the sanctuary, including adjacent public fishery areas. In this way, oyster restoration work also increases harvest opportunities.

¹ <https://dnr.maryland.gov/fisheries/documents/Sanctuary%2020%2030%20Summary.pdf>

TNC also supports the oyster industry across the state. We have a history of working across sectors to leverage private, state and federal funding for its benefit. Harvesting and restoration efforts must be balanced to realize the many benefits oysters provide to the Chesapeake Bay, including improving the Bay's health, strengthening our state and local economies, and enhancing Maryland's culture.

Opening sanctuary areas for harvesting as proposed in SB 875 fails to consider the broader habitat and ecosystem health in the Bay and goes against the protections set by the state of Maryland to enhance native oyster populations for their environmental benefits. **Therefore, we urge an unfavorable report on SB 875.**

UMCES SB875 Information Only.pdf

Uploaded by: david nemazie

Position: INFO

SENATE EDUCATION, ENERGY AND THE ENVIRONMENT COMMITTEE
Senate Bill 875
Oysters - Rotational Harvest - Pilot Programs
March 10, 2026
Information

Chair Feldman and Vice Chair Kagan and members of the committee, thank you for the opportunity to offer written testimony on Senate Bill 875. The bill establishes a five-year rotational harvest pilot program for oysters, implemented by the Department of Natural Resources (DNR) in four specified rotational harvest areas in the Chesapeake Bay.

The University of Maryland Center for Environmental Science (UMCES) is one of twelve institutions within the University System of Maryland. UMCES has multiple environmental research laboratories across the State and administers the Maryland Sea Grant College. A core mission of UMCES is to provide the science for decision-making for the betterment of Maryland's environment and her citizens related to Chesapeake Bay and beyond. UMCES has four research laboratories across the State as well as the Integration and Application Network and administers Maryland Sea Grant.

UMCES is providing the following information on this bill that we hope would be considered during the bill's deliberation. UMCES has particular scientific expertise in oyster monitoring and research within the Chesapeake Bay and beyond.

Beyond the data collection outlined in the bill, a rigorous research study should be completed on these pilot sites *with control sites* to develop long-term policy recommendations. This research study should help address comparisons to look at whether rotational harvest results in higher catches than leaving an area open. A second useful comparison would be how many oysters are there under each approach. Lastly, being able to monitor the oyster bar to determine if it is stable, growing, or shrinking would be important.

- It is important that stakeholders (fishermen, advocates, and DNR) be included at the beginning, middle and end so they understand the research program, provide valuable advice to set up the rotations. Professional facilitation would be highly encouraged.
- A 7-10 year study is likely needed to account for planting and harvesting multiple times at each site, which is necessary to get a sense of strategy's sustainability (stable, growing, shirking abundances). Additionally, it will also allow for some variation in spatfall, which is likely to happen over space and time and is the driver of oyster reef/population growth.
- The monitoring should involve annual monitoring of the oyster bar and catch for several rotational bars and bars that are open to harvest without rotation that can function as control sites.
- The monitoring could be done by patent tong or dredge, also preferably paired with sonar bottom mapping. Given some time, the question of number of bars and amount of time



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needed between rotations could be more formally addressed with small simulation studies.

- Catch and effort for each rotation area and comparison bar would need to be monitored. Obtaining catch and effort associated with specific management areas can be a challenge.
- It would be helpful to the scientific community to monitor biodiversity associated with always-open and rotated oyster bars during the pilot study.

UMCES appreciates your continued leadership in strengthening Maryland's oyster population and fishery.