



CHESAPEAKE BAY FOUNDATION

House Bill 1388 Oysters - Rotational Harvest - Pilot Program

Date: March 4, 2026
To: Environment & Transportation Committee

Position: **OPPOSED**
From: Dr. Allison Colden,
Maryland Executive Director

Chesapeake Bay Foundation (CBF) **OPPOSES House Bill 1388** 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.

House Bill 1388 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. HB 1388 would reduce Maryland's sanctuary network from 24% of protected oyster habitat to 15.7%.

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 nearly doubled. 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 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

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](#).

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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.

Rotational harvest in sanctuaries is contradictory to Maryland's oyster management plan.

Implementing rotational harvest oyster sanctuaries would directly contradict several provisions of the 2019 Maryland Oyster Management Plan. Neither sanctuary meets the criteria for reduction in size or declassification, as both are functioning sanctuaries that have experienced significant increases in oyster biomass since their designation. Additionally, 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

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.

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