

Testimony of the Advocates for Herring Bay (AHB)<sup>i</sup>  
Regarding HB 1388—Oysters—Rotational Harvest—Pilot Program  
Submitted by Kathleen Gramp, March 2, 2026

*Unfavorable*

The Advocates for Herring Bay (AHB) oppose provisions in HB 1388 that would allow rotational harvests on the Holland Point Bar in the Herring Bay Oyster Sanctuary. That change would jeopardize DNR’s plans for large-scale restoration in Herring Bay and remove sanctuary protections for community-sponsored projects like AHB’s “Happy Oysters, Healthy Bay” campaign that planted 10 million juvenile oysters in our Sanctuary in 2025. By taking the Holland Point Bar out of Sanctuary status, the bill would:

- stop restoration work on a Yates bar<sup>ii</sup> that is key to meeting Maryland’s oyster restoration commitments under the Chesapeake Bay Watershed Agreement (Bay Agreement);
- stifle private donations for oyster restoration by putting community investments at risk and eroding trust in Maryland’s commitment to protect sanctuaries; and
- slow progress toward state goals for revitalizing shallow-water habitats, which benefit from the three-dimensional structure of restored oyster reefs. Those reefs bolster the resilience of Herring Bay’s aquatic species as well as our crabbing and recreational fishing industries.

AHB urges the Committee to give HB 1388 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 HB 1388 to successful restoration.

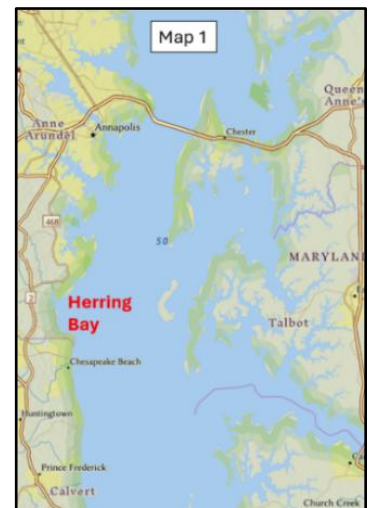
**Background on Herring Bay**

**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 (see Map 1). 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,<sup>iii</sup> 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.<sup>iv</sup> DNR has planted 86.5 million juvenile oysters in Herring Bay since 2023, about a third of which are on the Holland Point Bar.

**Large-scale restoration plans.** In 2024, DNR chose Herring Bay as one of three new sites for large-scale oyster restoration.<sup>v</sup> 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 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.



## Herring Bay's Importance 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,<sup>vi</sup> with Maryland probably contributing at least half of that multi-state total. Herring Bay itself 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.<sup>vii</sup> AHB's own surveys have confirmed the 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."<sup>viii</sup> 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.<sup>ix</sup>

### Impacts of HB 1388

HB 1388 would override current law to open the Holland Point Bar for harvesting despite its status as a Yates bar in a sanctuary.<sup>x</sup> 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.

HB 1388 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 focus on commercial harvesting instead. Harvesting could continue well beyond 2030 to allow oysters planted in 2029/2030 to mature.

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:

- **Jeopardize Maryland's ability to meet its 2040 acreage commitment.** HB 1388 casts doubt on when—or if—Holland Point could be included in Maryland's plans for 2040. Holland Point alone probably is equivalent in size to some recent tributary projects, which suggests that restoring it or alternative sites would take several years to complete. Uncertainty about where and when restoration can occur in Herring Bay would delay investments and reduce their cost-effectiveness by adding costs for pursuing piecemeal alternatives.
- **Jeopardize private funding for restoration.** Residents and businesses have donated hundreds of thousands of dollars for restoration projects across the Bay, based on 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.
- **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. Sanctuary projects give Herring Bay something that harvesting will not: three-dimensional reef structures that promote the growth and diversity of aquatic species.<sup>xi</sup> That's why neighbors as well as local

marinas and businesses supported AHB’s “Happy Oysters, Healthy Bay” campaign. HB 1388 would do the opposite, thwarting investments in ecologically beneficial oyster restoration on the Holland Point Bar, to the detriment of the Chesapeake Bay and our local communities.

Finally, Herring Bay doesn’t need a pilot program to determine whether oysters will grow there. The 96 million juvenile oysters that have already been planted are sufficient for a study of the oysters’ ecological benefits. If the oyster industry needs pilot projects to study how harvesting affects siltation or sedimentation, we recommend that those studies be done in areas that are already open to commercial harvesting.

In closing, **AHB recommends an unfavorable report for HB 1388.** Thank you for considering our views.

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

<sup>ii</sup> See Natural Resources Article §4-11A-01(r). Yates bars were identified in survey conducted from 1906-1912.

<sup>iii</sup> See [Promising Survey Results, January 2023](#) and [Oyster Cam Results in 2024](#).

<sup>iv</sup> See [AHB news-June 2025](#), a profile in [Chesapeake Magazine in June 2025](#), and [AHB news-Oct. 2025](#).

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

<sup>vi</sup> 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.

<sup>vii</sup> See [Map of historical plantings](#).

<sup>viii</sup> See 2025 Bay Agreement, page 10.

<sup>ix</sup> See [Description of Herring Bay No Discharge Zone](#).

<sup>x</sup> 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.

<sup>xi</sup> See [Natural Architecture of Oyster Reefs Maximizes Recruit Survival](#) and [Effects of Harvest on Bottom Habitat and Recruitment of Oysters](#).