

Tuesday, February 27, 2024

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

FROM: Amy Jacobs, The Nature Conservancy, Interim Chesapeake Bay Program Director; Cait Kerr, State Policy Manager; and Daniel Sweeney, The Nature Conservancy, Agriculture Program Director

POSITION: Oppose SB 922 Natural Resources – Fisheries – Oyster Management

The Nature Conservancy (TNC) opposes SB 922 offered by Senator Mautz. For the past two decades, the world has looked to the Chesapeake Bay to learn what's possible in oyster restoration. No effort in the world matches the scale of what has been accomplished here, and TNC has been proud to support and invest in oyster restoration along with many others during this time.

SB 922 would repeal a prohibition that the Department of Natural Resources (DNR) may not alter existing oyster sanctuary boundaries until the Department adopts an updated oyster management plan. While DNR has recently adopted an updated plan, it fails to meet statutory requirements; therefore, it is inappropriate and premature to remove sanctuary protections until DNR has revised the oyster management plan to meet the requirements. These include ending overfishing, achieving target fishing rates, increasing oyster abundance, increasing oyster habitat, and facilitating oysters' long-term sustainable harvest. The current plan utilizes season limits, bushel limits, shell repletion, stock enhancement, and area closures for managing oyster fisheries, which have failed to prevent or end overfishing.

TNC 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 in order 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. 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 not only within the sanctuary, but also in public fishery areas adjacent to sanctuaries, which increases harvest opportunities. Changing or reducing oyster sanctuary boundaries as proposed in SB 922 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.

TNC believes that oyster sanctuaries provide significant benefit to the Chesapeake Bay and thus any changes to sanctuary's, management plans, and harvest methods should be carefully considered in line with restoration. Sanctuaries were established to realize and enhance ecosystem benefits which oysters provide to the Chesapeake Bay other than harvest. Sanctuary restoration was completed with significant state and federal investments, which carry with them obligations to prohibit harvest.

There is currently an ongoing collaborative process among many diverse interests to discuss oyster management further. This bill would preempt that process; therefore, taking the type of actions proposed in SB 922 would be premature.

The Nature Conservancy strongly opposes altering or reducing oyster sanctuary boundaries through the methods proposed in SB 922, which undermine the protections the state has set to preserve and enhance oyster restoration.

Therefore, we urge an unfavorable report on SB 922.