**THE MARYLAND OYSTER RECOVERY AND RESTORATION BILL**

A CODE RED exists for the Chesapeake Bay oyster as populations declined by 92% in Maryland waters from 1980 to 2019. This meant that the oyster biomass in the Bay is at or less than 3% of what it was back in the late 1800s. To conserve and restore oyster populations and allow oyster harvesters to continue their harvests, wild oyster harvests should be phased-out over a five-year period with compensation for watermen to help them shift to aquaculture. This would compensate watermen and rebuild oyster stocks over time.

The oyster is a keystone species capable of cleansing the Bay’s waters of nutrients and settling sediment. Oyster bars also serve as the Bay’s coral reefs at the center of a rich bio-diverse habitat. This means oysters have greater eco-system value than their commercial value.

It should be noted that 95% of world-wide oyster harvests come from aquaculture operations. Virginia is far ahead of Maryland in aquaculture. In the 2023-2024 season, a paltry 437,536 bushels were harvested on Maryland public bars, 3% of the 1884 harvest. In Virginia, 300,000 bushels were taken in 2022-2023 but an additional 400,000 bushels were harvested from aquaculture operations. Only 94,286 bushels were harvested in Maryland aquaculture in 2023-2024 covering 7,572 acres with harvest in bushels stuck at 90,000 to 94,000 over the last three years. Commercial watermen hold 42% of all leases, with the second greatest leaseholder a full-time waterman.

Very few watermen net any substantial monies from wild oyster harvest with landings as the wild oyster fishery has turned into a put-and-take fishery. Only 661 watermen harvested public oyster bars last season with only 204 taking more than 500 bushels. At an average dockside value of $36 a bushel, that’s $18,000 gross each (before expenses) and only 29 took more than 1,000 bushels. Because of overfishing, harvesters are now limited to 1,500 bushels a season.

 Note that the Maryland oyster harvest once was 15 million bushels and averaged 2.5 million bushels from 1920-1969. The harvest declined to 1.3 million bushels from 1970-2002. Despite increased public expenditures on restoration of oyster habitat and seed oysters, recovery has been minimal.

Under the 2000 Chesapeake Bay Agreement, the states committed to increase oyster biomass by ten-fold by 2010. This commitment was abandoned as oyster biomass declined—not increased—despite the expenditure of more than $250 million in state and federal funds to replenish oysters in the Bay. The current management plans with these huge doses of funding have **failed** as the oyster population has never come close to recovery.

In 1991 when oyster stocks were more than double what they were in 2018, CBF called for a three-year moratorium because of “the current crisis” noting that “the population is now so depleted that it will never rebound if current fishing pressures continue...Such a crisis calls for bold and forceful solutions: A temporary, three-year moratorium….to give the species a chance to rebuild.” In 2010, a CBF scientific analysis was issued on oysters, urging a transition from wild harvest to aquaculture.

In a 2011 peer-reviewed article, Michael Wilberg of UMCES and other biologists called for a closure of wild oyster harvest after finding that oyster abundance declined 99.7% since the early 1800s and 92% from 1980 to 2009. Habitat area declined nearly 70% from 1980 to 2009. These scientists concluded that “Compared to current conditions, if fishing had ceased in 1986, **adult abundance would have been 15.8 times greater in 2009.”**

On February18, 2019, the Baltimore Sun Editorial Board published an editorial: Chesapeake Bay Oysters: Time to Talk Moratorium. Indeed, it is well past time to talk of a permanent phased-in moratorium to restore and conserve Maryland’s dwindling oyster population.

Under The Sustainable Oyster Population and Fishery Act of 2016 (Senate Bill 937), a scientifically rigorous oyster stock assessment was completed. The assessment documented that from 1999 to 2018, the Maryland adult oyster population declined by 50%. Further, assessment found that watermen overharvested oysters from more than half of the Bay regions open to such harvest. The assessment warned that if those harvest rates continued, the oyster population in those areas could eventually be wiped out. Other science-based studies document that 70% of potentially productive oyster bars in Maryland waters are smothered in excess sediment rendering them non-productive.

As required by the 2016 law, DNR drafted a Fishery Management Plan (FMP) for oysters and released it for comment on February 19, 2019. Legislative efforts to restore oyster populations and properly regulate the fishery should focus on the legislation proposed herein coupled with adequate funding to implement the legislation.

Instead, the legislature overrode Governor Hogan’s veto of SB 830 in 2020 that delayed any meaningful restoration and conservation measures for several years as an appointed Oyster Advisory Commission heavily weighted with harvesters and seafood processors wasted two years with 24 meetings that accomplished nothing. The legislation required a 75% vote to approve any changes..

Legislation to restore the Bay’s oysters would:

1. Phase-out wild oyster harvest over a five-year period gradually closing more productive public oyster bars and converting them to aquaculture leases only or to permanent sanctuaries. Bushel limits would be lowered from 15 to zero over five years, and harvest times and dates would be gradually cut back.

2. A compensation fund would be established at DNR to pay watermen an amount based on an average of their last three years of oyster landings with the funds to be used to assist them, with the DNR aquaculture division’s help, in converting to oyster aquaculture. The payments would be allotted based on an estimate of an average for the net proceeds earned per bushel of oysters landed on average for the previous three years.

3. DNR would assist the watermen with technical assistance, the use of these payments, and through existing MARBIDICO low-interest loans to establish oyster aquaculture operations on productive oyster growing areas where the watermen could lease the bottom. DNR’s aquaculture division has a rotating fund through MARBIDCO of $2 million for such low interest loans.

4. DNR would institute an aquaculture insurance program to augment USDA aquaculture disaster insurance so that watermen could cheaply insure their oyster crops in their aquaculture operations not only against natural disasters, but against disease and health department closures. The USDA aquaculture insurance program costs Maryland aquaculturists about $350-$400 a year per five-acre leas; and.

5. During the five-year phase out, no harvest would be permitted from any sanctuary nor could DNR change boundaries of sanctuaries except to enlarge them. The sanctuaries covered by these restrictions would include the five established in law under SB 448 of 2019 in Harris Creek, the Little Choptank River ($55 million), the Tred Avon River, the St. Mary’s River, and the Manokin River.

Watermen who harvested oysters over the three preceding years could apply for aquaculture leases, grants under this legislation, and existing low-interest loans under the MARBIDCO process to plant, grow, and harvest oysters in a sustainable way from public oyster bars closed under this legislation provided they stopped harvesting oysters during the phase-out from public oyster bars.

After the five-year phaseout of all wild oyster harvest, these same affected watermen could apply for aquaculture leases, grants under this legislation, and existing low-interest loans under the MARBIDCO process to plant, grow, and harvest oysters in a sustainable way from DNR designated sanctuaries as well as on public oyster bars closed as a result of this legislation. The low-cost insurance for aquaculture oysters also would be available to these watermen.

**“We have wasted our inheritance by improvidence and mismanagement.”** William K. Brooks, Maryland Oyster Czar in his book *The Oyster* (1905).

**In the 20th century, the main effort in oyster management in Maryland has been to appease oyster fishermen, a vociferous minority in the state. The various management agencies that have followed one another have been relatively ineffective, although less so in the last 15-20 years. The state legislature has generally ignored the results of various scientific surveys and the reports of numerous advisory committees appointed to make recommendations to the legislature concerning the oyster fishery.** Sixteen Decades of Political Management of the Oyster Fishery in Maryland’s Chesapeake Bay by Victor S. Kennedy and Linda L. Breisch of the University of Maryland Center for Environmental Science Horn Point Laboratory. (1983)