

ECSGA  
1623 Whitesville Rd.  
Toms River, NJ 08755  
www.ECSGA.org



Volume 4:05  
December 2005

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## From the Mouth of the Bay

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It has been a challenging year for the ECSGA, but by working hard we have established the credibility of the organization. We have made important contacts in industry, politics and the regulatory agencies. By fighting through shared adversity we strengthened those bonds. Most of the administrative growing pains are behind us and we are finally free to concentrate on issues of real importance.

- In the spring we helped defeat a proposal to weaken EPA sewage release restrictions by working with the PCSGA and several environmental groups.

- The battle to defeat the proposed listing of the American oyster as an endangered species really got us motivated. Over the summer I witnessed growers from all three coasts traveling to DC several times to speak at hearings and plead with politicians. We stood side by side with shellfish dealers, restaurateurs and regulators. Our members sent hundreds of letters, faxes and phone calls to regulators and politicians.

- Dozens of growers participated in two ECSGA fund-raiser oyster festivals, donating product or shucking to exhaustion.

- We supported the gulf coast growers in their attempts to get funding for Katrina restoration and continue to work with growers on all three coasts to get the Army Corps to adopt a sensible approach to permitting.

- This year we joined the National Fisheries Institute. Their assistance in organizing our lobbying efforts has proven invaluable.

- Together with NFI, growers from the three coasts were successful in establishing the Congressional Shellfish Caucus. This could prove to be a defining moment for our industry!

I am proud to have been a member of this organization as we have developed and matured from an idea into an important force in a national industry.

A few notes to existing and prospective members: The listserv is still the best way to keep track of what is going on in the association and the world of shellfish. If you have Internet access you should visit the website [www.ECSGA.org](http://www.ECSGA.org) and follow the directions and sign up. It is free and easy. We also have our online membership renewal capacity up and running. Please use it if you can as it eases our administrative burden.

Finally, please pass the word to fellow growers about the ECSGA. There is really no excuse for a grower or a dealer not to join. If you cannot afford to travel to DC to fight for your own business, then become a member and help us fight for you.

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## **ECSGA Annual Meeting and Seminar January 28th**

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Our annual meeting will be held at 11AM on January 28th in conjunction with the Maryland Waterman's Show at the Powell Convention Center in Ocean City, Maryland. This is the same venue as last year, and it's well worth the effort to get there. In addition to our short business meeting that starts at 11:00 AM, we will be hosting a shellfish seminar tailored to your interests and needs. Our seminar starts at 12:40PM on the 28th. There are additional seminars as part of the Waterman's show as well. So come participate in our meeting, attend the seminars and enjoy the show! Some details for the Waterman's Show can be found at:

[www.marylandwatermen.com/expo.htm](http://www.marylandwatermen.com/expo.htm)

Our seminar "ECSGA Current Issues and Trends" has the following lineup:

12:40 Update on the Eastern Oyster Endangered Species Petition - Rich Takacs, NOAA Chesapeake Bay Office.

1:00 NOAA Aquaculture Program Update - Susan Bunsick, NOAA Aquaculture Program

1:20 East Coast Shellfish Growers Policy Issues and Legislative Agenda - Ed Rhodes, Executive Director, ECSGA.

1:40 National Shellfish Aquaculture Policy Outlook - Margaret Black, National Fisheries Institute.

2:00 Impacts of Hurricane Katrina on the Gulf Coast Shellfish Industry - Mike Voisin, Louisiana Oyster Task Force and Gulf Oyster Industry Council.

2:20 A Rapid and Simple Method for Monitoring Total *Vibrio* Levels in Seawater, Shellfish and Aquaculture Settings - Gary Richards, Agricultural Research Service, USDA.

2:40 Ecological Benefits of Shellfish Aquaculture - Bob Rheault, Moonstone Oysters.

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## **Annual Walk-On-The-Hill Planned for February**

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For the third year in a row (how time flies!) we will join our colleagues from the Gulf and Pacific shellfish industries for visits to congressional offices and for meetings with key government agencies. This year's Walk will happen from February 7-10th. We will get together for a strategy session on Tuesday morning the 7th, and make Hill visits that afternoon and Wednesday morning. We have plans to meet with additional congressional staff, ISSC, FDA and Sea Grant at the capitol Wednesday afternoon, and will put on an oyster reception that evening to recognize the co-chairs of the newly formed congressional



Shellfish Caucus. Its more Hill visits on Thursday with an all-coasts meeting planned with NOAA/NMFS in the afternoon. Congressional visits will continue into Friday as necessary. If you would like to join us for some or all of the Walk or want more information, contact Ed Rhodes or Bob Rheault. The National Fisheries Institute helps us schedule congressional visits to optimize our time in D.C. and schedule congressional visits, so it's important to let them know soon who we want to see.

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## Hard Clam Farming in Virginia

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Mike Oesterling, a fisheries and aquaculture specialist at the Virginia Institute of Marine Science, responded immediately to the Florida clam story in our last newsletter (October 2005) with a "rebuttal" from Virginia. He provides the information below as a summary of a recent publication by Tom Murray and Jim Kirkley that is referenced below. Thanks Mike! - ed

Virginia's Eastern Shore was the site of the first commercial clam hatchery in the U.S. In 1956, using methods developed by the U.S. Bureau of Commercial Fisheries (now the National Marine Fisheries Service), Richard L. Kelly set up a clam hatchery in an oyster house in Atlantic, Virginia (near Chincoteague). The production from this hatchery/nursery was reasonably successful, but sporadic. Unfortunately, field plantings were complete failures, most likely due to predation. As attempts were being made to improve field planting success, Mr. Kelly died and his work was not continued.

The problem of predator control in the field grow-out phase of clam culture was investigated by Mike Castagna, John Kraeuter and others at the Virginia Institute of Marine Science (VIMS) Wachapreague Laboratory. After years of experimentation, the VIMS scientists developed techniques for successful grow-out systems incorporating predator exclusion methods.

It was not until the early 1980's, however, that hard clam aquaculture took hold on the Virginia Eastern Shore. By about 1990 the value of the cultured clam harvest exceeded that of the wild harvest. Today, hard clams are the second most valuable individual crop grown on the Eastern Shore, following nursery/greenhouse plants.

A recent publication by Tom Murray, Virginia Sea Grant Marine Advisory Program, and Jim Kirkley, Department of Fisheries Science, at VIMS detailed the economic activity associated with clam aquaculture on Virginia's Eastern Shore during 2004. Eastern Shore hard clam farms sold 150 million market clams valued at \$23.9 million during 2004, at an average price of \$.16. Virginia hatcheries produced and marketed an additional \$72.5 million seed clams with a total sales value of \$1.5 million. These clam sales spurred economic growth throughout the Eastern Shore and the state, as 89% of market clams sold went to out-of-state buyers.

The initial sales of farm-raised hard clams by Eastern Shore growers generated a direct impact on local economic output estimated at \$29.6 million in 2004. The total direct employment associated with these Eastern Shore hard clam farm sales was estimated to be 381 jobs. Within the Eastern Shore, personal income associated with initial clam aquaculture sales was \$9.2 million. When taken together, the economic impacts resulting from Eastern Shore hard clam aquaculture resulted in economic output of \$48.8 million and added employment of 620 individuals, yielding an overall increase in personal labor incomes of \$15.8 million throughout the state.

Hard clam aquaculture is big business in Virginia! The full report can be viewed online at:

[www.vims.edu/adv/pubs/Murray/tjmcclamec-on-final.pdf](http://www.vims.edu/adv/pubs/Murray/tjmcclamec-on-final.pdf)

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## Aquaculture in the News

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An indication of the importance of aquaculture in world commerce is the increase in media coverage for it. The December 14th NY Times, for example, had two prominent stories in its "Dining In" section and the back full-page advertisement was for farm-raised shrimp. The section cover story called "Lovers of Caviar, Look to the Farm" highlighted the import embargo on Beluga caviar that went into effect in September and discussed farmed sturgeon in California, France, Italy, Germany, Spain,

Uruguay, Greece and China. Prices for Beluga caviar, some of which was imported before the embargo, are reportedly averaging \$200 an ounce, while retail prices for the farmed caviar that the Times rated ranged from \$50 to \$98 an ounce. The Times edition also had a story on cod aquaculture featuring a Scottish firm that has made an investment of \$38 million and has begun to export to the U.S. The retail price is \$14.99/lb.

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## Army Corps of Engineering Shellfish Culture Permitting Issue

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The Army Corps of Engineers has been extending its authority over some shellfish culture activities, especially on the west coast. On December 2, 2005, shellfish industry representatives from all three coasts, NFI, and a legal team assembled by the Pacific Coast Shellfish Growers Association, met at the Pentagon with John Paul Woodley, Assistant Secretary of the Army for Civil Works, and Craig Schmauder, Army Deputy General Counsel, to discuss Army Corps jurisdiction over shellfish culture activities. The ECSGA was represented by Ed Rhodes, and three growers from Virginia (A.J. Erskine, Lake Cowart and Tommy Kellum) also attended.

The Army Corps of Engineers implements Section 10 of the Rivers and Harbors Act (RHA) and Section 404 of the Clean Water Act (CWA). RHA Section 10 deals with regulating structures and works that interfere with navigation. CWA Section 404 deals with regulating the discharge of dredged and fill material into waters of the United States, including wetlands. Historically, Corps authorization has not been required for the

vast majority of shellfish seeding, cultivating and harvesting activities which have been covered under Nationwide Permit 4. Without explanation, the Corps in recent years has begun to assert jurisdiction over a number of shellfish culture activities but has done so inconsistently around the country. One of the primary areas of regulatory focus has been the interactions between Coast's operations and submerged aquatic vegetation (SAV).



Secretary Woodley  
Army Corps of Engineers

Coast and the PCSGA have been doing battle with the Army Corps and NMFS for about three years and the Pentagon meeting revealed that the Corps still has not made a decision about the Coast situation. The Corps chief, JP Woodley, who spent time heading up Virginia's natural resources department, seems like he's on the grower's side, but is boxed in by his Corps lawyers

and some of the Corps districts that want to regulate shellfish operations under the CWA. If the industry is regulated under the CWA it would open up the possibility of citizen's lawsuits for the first time.

The meeting was dominated by lawyers from both the Corps and shellfish industry. A lot of the lawyer-type debate was on the California 9th District Court that determined that mussels and their biological products are not pollutants under CWA. The Corps lawyers hold that this should be interpreted narrowly, applied only to mussels on rafts in Humboldt Bay while the shellfish lawyers think the decision should be interpreted broadly including shellfish propagation everywhere. An interesting argument put forth by the shellfish lawyers was that they found it odd and contrary to logic that the CWA, that encourages practices that improve water quality and the environment, should be used against shellfish propagation.

Another wrinkle was added to the situation in mid-November when the Norfolk District Corps acted to regulate the introduction of *C. ariakensis* in Virginia under the CWA determining that Nationwide permit 4 doesn't apply because there may be significant environmental effects. Woodley says this decision in the *ariakensis* case is unique and does not mean that the Corps has decided to regulate other shellfish operations, but we look at it as bad precedent.

The Pentagon meeting ended with the Corps promising to look at possible

modifications to RHA and CWA to exempt shellfish propagation activities from regulation except for Nationwide Permit 4. However, such modifications would have to include Corps consultations with EPA, FWS and NMFS and no one from the shellfish side thought that this could be achieved in our lifetimes! Meanwhile, a letter supporting the west coast shellfish industry position has been sent to the Corps by the new Congressional Shellfish Caucus.

Bottom line: This is probably not an emergency for the east coast industry, but we need to stay on top of this issue and keep participating in the discussion to insure that unnecessary new regulations do not come from the Corps. Stay tuned!

**Shellfish and Finfish**

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## Pay Your Dues On-line!

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The ECSGA has entered the 21st century. We are using a company called Count Me In to provide on-line membership services, including the ability to pay your 2006 dues with a credit card or check. If you are not yet a member, you can join on-line as well. and if you are not yet a member, to join. Our website has the information you need to

use the CMI system. Log on to <http://www.ecsga.org> and at the top of the home page you will find the link you need to pay dues or to join up. If you prefer, you can still join or pay dues the old fashioned way, and we have provided a membership form and mailing address in this newsletter.

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## Upcoming Events

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ECSGA Annual Meeting and Seminar  
January 28th, Ocean City, MD

26th Milford Aquaculture Seminar  
February 27 – March 1, Meriden, CT  
Registration is \$75 until January 31st  
<http://mi.nefsc.noaa.gov/seminarworkshop.html>

International Boston Seafood Show  
March 12-14, Boston Convention and Exhibition Center  
<http://www.bostonseafood.com/>

Aquaculture America 2006  
February 13-16, Las Vegas  
<http://www.was.org/meetings/ConferenceInfo.asp?MeetingCode=AA2006>

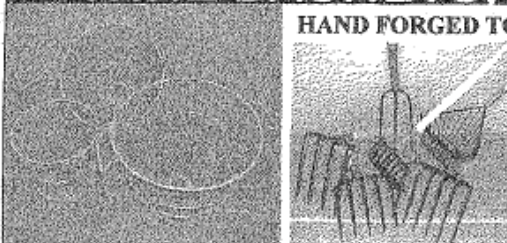
National Shellfisheries Association 98th Annual Meeting  
March 26-30, Monterey, CA  
<http://shellfish.org/meetings.htm>

Northeast Aquaculture Conference and Exposition  
December 6-8, Mystic, CT  
<http://www.northeastaquaculture.org>

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**Membership  
Application  
Form**

***Dues Schedule***

Gross Sales	Dues
0 to 50K	\$100
50K to 100K	\$200
100K to 300K	\$500
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agencies on matters of  
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The mission of the ECSGA is to promote responsible commercial shellfish aquaculture through market research and promotion, active involvement in public education, participation in policy formation at the state and national levels, and directed research.

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